

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPEAL NO.799 OF 2007

Blue Star Ltd., Mumbai ...Appellant
V/s.
The Joint Commissioner of Income-tax .
Special Range 30, Mumbai & Anr. ...Respondents

Mr.F.B. Ardhyarujina, Sr. Advocate, i/b. Rajesh
Shah, for the Appellant.

Mr.A.S. Rao, Advocate, for the Respondents.

CORAM : DR. S. RADHAKRISHNAN &
A.V. NIRGUDE, JJ.

DATE : 10TH JULY, 2008.

P.C. :

. Heard the learned Senior Counsel for the
Appellant and the learned Counsel for the Respondents.

2. The above Appeal is admitted on the following
two substantial questions of law :-

(a). Whether on the facts and circumstances
of the case and in law, the amount of
Rs.12,26,80,000/- received by the Appellant on
surrendering / giving up / extinguishment of
its rights in the Joint Venture Agreement is a
capital receipt not liable to tax at all?

(b). Whether on the facts and circumstances of the case and in law, the Tribunal was right in coming to the conclusion that the compensation received by the Appellant is liable to be taxed as long term capital gains?

3. The learned Counsel for the Respondents waives service.

[A.V. NIRGUDE, J.]

[DR. S. RADHAKRISHNAN, J.]