

IN THE HIGH COURT OF DELHI AT NEW DELHI

07.09.2009

Present: Mr. M.S.Syali, Sr. Advocate with Ms. Mahua Kalra, Advocate for the appellant.

Mr. Sanjeev Sabharwal, Advocate for the respondent.

ITA 1137/2006 NOKIA NETWORKS OY Vs. ASSTT. DIRECTOR OF INCOME TAX

Admit.

Following questions of law arises for consideration.

- 1. Whether on a true and correct interpretation of the relevant DTAA the Tribunal's reasoning is right in law in holding that NDPL (the subsidiary of the Appellant) is its permanent establishment?**
- 2. Whether the Tribunal was right in law in holding that a perception of virtual projection of the foreign enterprise in India results in a permanent establishment?**
- 3. Without prejudice, if the answers to Q.1 and 2 are in affirmative, is there any attribution of profits on account of signing, network planning and negotiation of off-shore supply contracts in India and if yes, the extent and basis thereof?**
- 4. Whether in law the notional interest on delayed consideration for supply of equipment and licensing of software is taxable in the hands of Assessee as interest from vendor financing. Paper book be filed within one month. List on 4th November, 2009, at the end of after notice miscellaneous matters?**

A.K.SIKRI, J

VALMIKI J.MEHTA, J

September 07, 2009