

**IN THE HIGH COURT OF DELHI AT NEW DELHI**

**07.09.2009**

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

**Mr. Sanjeev Sabharwal, Advocate for the respondent.**

**CM No. 10329 in ITA 1138/2006 NOKIA NETWORKS OY Vs. ASST. DIRECTOR OF INCOME TAX**

**Exemption sought is granted subject to all just exceptions. Application is disposed of. ITA 1138/2006**

**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**