

**Cit Vs. Eicher Goodearth Ltd.**

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**SooperKanoon Citation :** [sooperkanoon.com/710821](http://sooperkanoon.com/710821)

**Court :** Delhi

**Decided On :** Aug-13-2002

**Reported in :** (2002)177CTR(Del)379

**Appeal No. :** Income Tax Appeal No. 8 of 2002 13 August 2002

**Appellant :** Cit

**Respondent :** Eicher Goodearth Ltd.

**Advocate for Pet/Ap. :** R.D. Jolly and; Ms. Rashmi Chopra, for the Revenue; Ajay Vo

**Judgement :**

ORDER

By the Court

Heard.

2. Admit.

3. The following substantial question of law is framed for adjudication :

'Whether in the facts and circumstances of the case the Tribunal was correct in holding that the amount received by the assessed on surrender of tenancy rights, amounting to Rs. 6,83,017, is a casual and non-recurring receipt under section 10(3) of the Income Tax Act not chargeable to tax ?'

4. Insofar as, the first question proposed by the revenue is concerned, we find that the Tribunal has decided the issue in favor of the assessed by placing reliance on its earlier order in respect of assessment year 1989-90 and further the fact that in respect of assessment years 1986-87 and 1990-91 loss on account of foreign exchange fluctuation had been allowed by the assessing officer himself. The Tribunal has also found as a fact that there has been no change in the circumstances in the present assessment year.

5. Mr. Jolly, learned senior standing counsel for the revenue does not dispute the aforementioned factual position. A similar claim having attained finality, no fault can be found with the order of the Tribunal on the issue.

6. The appellant shall file within three months ten copies of the cyclostyled paper books, containing all documents on which reliance was placed before the Tribunal, including any order/orders, either in the case of the assessed itself or in case of any other assessed, which has been followed by the Tribunal.

The appeal be listed for hearing in the regular course.

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