Cit Vs. Av. M. Nazimuddin

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SooperKanoon Citation : sooperkanoon.com/835410

Court : Chennai

Decided On : Nov-25-2002

Reported in : [2003]131TAXMAN515(Mad)

Appeal No. : Tax Case No. 300 of 1998 25 November 2002

Appellant : Cit

Respondent : Av. M. Nazimuddin

Advocate for Pet/Ap. : Mrs. Pushya Sitharaman, *for the Revenue*

Judgement :
ORDER

N.V. Balasubramanian, J.

In pursuance of the direction of this court in Tax Case Petition No. 454 of 1996, the Income Tax Appellate Tribunal has stated a case and referred the following question of law under section 256(2) of the Income Tax Act, 1961, in relation to the assessment year 1984-85.

'Whether on the facts and in the circumstances of the case, the Tribunal was right in law in directing the assessing officer to treat the dividend income received from Malaysia as not taxable in India?'

2. Mrs. Pushya Sitharaman, learned senior standing counsel appearing for the revenue fairly submitted that the issue raised in the question of law is covered against the revenue by the decision of this court in CIT v. O.R.M.S.S.S. Sevugan Chettiar : [2000]241ITR662(Mad) , which followed an earlier decision of this court in CIT v. V. R. S.R.M. Firm : [1994]208ITR400(Mad) .

3. Following the said decisions and for the reasons stated therein, we answer the question of law referred to us in the affirmative against the revenue and in favour of the assessee. No costs.