ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Special Jurisdiction (Income Tax)
ORIGINAL SIDE

(Item No.2)
G.A. No. 1420 of 2014
ITAT No. 41 of 2014

M/S.RECKITT BENCKISER (INDIA) LTD.
Versus
THE ADDL.COMMISSIONER OF INCOME TAX RANGE 12, KOLKATA

AND

(Item No.3)
G.A. No. 1735 of 2014
ITAT No. 59 of 2014

COMMISSIONER OF INCOME TAX, KOLKATA-IV
Versus
M/s.RECKITT BENCKISER (India) Ltd.

BEFORE:

The Hon'ble'ble JUSTICE SOUMITRA PAL

The Hon'ble'ble JUSTICE ARINDAM SINHA

Date : 17th November, 2014.

Mr. Nageswar Rao, Adv. with Mr.Avra
Majumder, Adv. appear and submit
Md. Nizamuddin, Advocate appear and submit

The Court : Item No.2 of today's list is the appeal of the Assessee under section 260A of the Income Tax Act, 1961 against the order dated 30.12.2013 passed by the Income Tax Appellate Tribunal "A" Bench, Kolkata in ITA No. 702/Cal/2010 relating to assessment year 2007-08 on the issue, whether interest earned by it on investment made by the respective units being its undertakings from the surplus generated during the earlier years can be claimed as a deduction under section 80-IC of the Income Tax Act.

Item No.3 of today’s list is the appeal of the Revenue against the same order on the issue, whether receipts on account of scrap sales by the assessee said to be generated during the manufacturing process of its undertakings, sold by it and credited as other income was also eligible for deduction under the said section.

We formulate the question for consideration to be heard in the first appeal as, whether the income generated as income from a deposit can be claimed to be directly attributed to the process of manufacture of article or thing by the undertaking of the assessee?

The question formulated in the second appeal that is also to be heard is, whether when the Commissioner (Appeals) had recorded the contention of the assessee on facts that scrap was generated during the manufacturing process, there being no contrary finding in regard thereto in that order, the Tribunal’s finding as the final fact finding authority on such facts in favour of the assessee can be assailed ?

Heard Mr. Rao and Mr. Nizamuddin in part in support of both the appeals. By consent of the parties, the issues that arise out of the questions formulated are taken up for hearing and heard in part.

Let the appeals be listed as ‘For Orders’ on 18.12.2014 when the matters will be further heard and dealt with.

(SOUMITRA PAL, J.)

(ARINDAM SINHA, J.)

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