(2002) 04 P&H CK 0064

In the Punjab And Haryana At Chandigarh

Case No : Income Tax A. No. 92 of 1999

Commissioner of Income Tax	APPELLANT
Vs	
Akal Construction and Engineering Co.	RESPONDENT

Date of Decision : 30-04-2002

Acts Referred:
Income Tax Act, 1961 — Section 32(1)

Citation : (2002) 256 ITR 320 : (2002) 123 TAXMAN 601

Hon'ble Judges : N.K. Sud, J;Jawahar Lal Gupta, J

Bench : Division Bench

Advocate : R.P. Sawhney and Salil Bali, for the Appellant; Suvineet Sharma, for the Respondent

Final Decision : Dismissed

Judgement

Jawahar Lal Gupta, J.—The assessee claimed a deduction of Rs. 2,60,477. The claim was disallowed by the Assessing Officer. The Commissioner (Appeals) granted the relief. The order has been affirmed by the Tribunal. The Revenue challenges this order and maintains that the following substantial question of law arises for decision by this court:

"Whether, on the facts and in the circumstances of the case, the Income Tax Appellate Tribunal was right in law in allowing depreciation on wooden shuttering at the special rate, i.e., 100 per cent., under the first proviso to Section 32(1)(ii) of the Income Tax Act, 1961, and thus treating that each single item or constituent part of wooden shuttering material form independent plant, i.e., ''wooden shuttering'', within the meaning of Section 32(1) of the Act ?"

2. It is not disputed that the assessee had purchased various items for being used in the construction work. Individual bills had been filed. The value of each item was below Rs. 5,000. On this basis, the Tribunal has accepted the assessee''s claim. We find that the action is in conformity with the provisions of Section 32(1)(ii) of the Income Tax Act, 1961, which permits 100 per cent.

allowance. The finding recorded by the Tribunal is purely one of fact. No substantial question of law arises.

3. Consequently, the appeal is dismissed. No costs.

