(1996) 02 AHC CK 0105

In the Allahabad High Court

Case No : Income Tax A. No. 253 of 1995

Commissioner of Income Tax — APPELLANT

Vs

Pramod Kumar Jain — RESPONDENT

Date of Decision : 16-02-1996

Acts Referred:
Income Tax Act, 1961 — Section 256(2)

Citation : (1996) 221 ITR 193

Hon'ble Judges : Om Prakash, J;M.C. Agarwal, J

Bench : Division Bench

Final Decision : Partly Allowed

Judgement

1. The Revenue has made this application u/s 256(2) of the Income Tax Act, 1961, requiring us to direct the Income Tax Appellate Tribunal to refer the following two questions for an opinion of this court :

" 1. Whether, on the facts and in the circumstances of the case, the Income Tax Appellate Tribunal was justified in law in sustaining the order of the first appellate authority that the assessee, a salaried employee of the LIC, was entitled to deduction at 50 per cent. on the incentive bonus received from his employer ?

2. Whether, on the facts and in the circumstances of the case, the Income Tax Appellate Tribunal was justified in law in holding that the assessee, a salaried employee of the LIC of India, was entitled to deduction at 40 per cent. u/s 10(14) of the Income Tax Act, 1961, on the incentive bonus received from his employer ?"

2. Inasmuch as only question No. 1 arises from the Tribunal''s order which is a question of law, in our opinion, we direct the Tribunal to draw up a statement of the case and refer the abovementioned question No. 1 to this court for its opinion.

3. The application is, therefore, partly allowed.