

THE HON'BLE SRI JUSTICE DILIP B.BHOSALE
AND
THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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REFERRED CASE No.11 of 2004

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ORDER: (per the Hon'ble Sri Justice Dilip B.Bhosale)

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This Referred Case was registered in view of the reference made by the Income Tax Appellate Tribunal, Hyderabad Bench 'A' on 07.01.2003. It pertains to the assessment year 1981-82 to 1983-84. The question referred reads thus.

“ Whether on the facts and in the circumstances of the case, the Appellate Tribunal was correct in holding that the lump sum payment by the assessee to M/s.Trade McNair of USA was not taxable under S.9 (1) (i) read with proviso and explanation 1 thereunder, even though the agreement was neither approved by the Central Government before 1-4-1976 nor was the agreement entered in accordance with proposals approved by the Govt. before 1-4-1976?”

2. Till today, the Revenue has not taken steps, despite several opportunities to place all annexures on record nor have they taken any steps to serve the respondent assessee.

3. In the circumstances, we are constrained to dismiss this Referred Case for non-prosecution. Order accordingly. There shall be no order as to costs.

DILIP B.BHOSALE, J

A.RAMALINGESWARA RAO, J

Date: 17.03.2015
TJMR