# SUPREME COURT OF INDIA RECORD OF PROCEEDINGS

# CIVIL APPEAL NO(s). 989 OF 2005

COMMISSIONER OF INCOME TAX, BANGALORE & ANR. Appellant (s)

**VERSUS** 

M/S. I.T.I. LTD.

Respondent(s)

Date: 21/01/2009 This Appeal was called on for hearing today.

**CORAM:** 

HON'BLE MR. JUSTICE S.H. KAPADIA HON'BLE MR. JUSTICE AFTAB ALAM

For Appellant(s) Mr. K. Rdhakrishnan, Sr.Adv.

Mr. Arijit Prasad, Adv.

Mr. Rahul Kaushik, Adv.

Mr. Tapeshwar Singh, Adv.

Mr. B.V. Balaram Das, Adv.

For Respondent(s) Mr. T.L. Vishwanatha Iyer, Sr.Adv.

Mr. Rajiv Tyagi, Adv.

Mr. Chanchal Biswal, Adv.

Mr. Vikas Mishra, Adv.

UPON hearing counsel the Court made the following ORDER

The appeal is dismissed with no order as to costs.

(S. Thapar) PS to Registrar (Madhu Saxena) Court Master

The signed order is placed on the file.

#### IN THE SUPREME COURT OF INDIA

# CIVIL APPELLATE JURISDICTION

### CIVIL APPEAL NO. 989 OF 2005

COMMISSIONER OF INCOME TAX, BANGALORE & ANR.

...APPELLANT (S)

**VERSUS** 

M/S I.T.I. LIMITED

...RESPONDENT(S)

### ORDER

A short question which arises for determination in this Civil Appeal is — whether the assessee was under statutory obligation under Income Tax Act, 1961, and/or the Rules to collect evidence to show that its employee(s) had actually utilized the amount(s) paid towards Leave Travel Concession(s)/Conveyance Allowance?

It may be noted that the beneficiary of exemption under Section 10(5) is an individual employee. There is no circular of Central Board of Direct Taxes (CBDT) requiring the employer under Section 192 to collect and examine the supporting evidence to the Declaration to be submitted by an employee(s).

For the above reasons there is no merit in the Civil Appeal and the same is dismissed with no order as to costs.

.....J. [ S.H. KAPADIA ]

New Delhi, January 21, 2009

.....J [ AFTAB ALAM ]