

## **Commissioner Of Income-Tax, Madras vs Raju And Mannar on 10 December, 1965**

**Equivalent citations: [1966]60ITR246(SC)**

**Bench: J.C. Shah, K. Subba Rao, S.M. Sikri**

### **JUDGMENT**

1. The question raised in this appeal depends upon the construction of section 10(2)(vib) of the Indian Income-tax Act, the relevant portion of which reads :

"in respect of machinery or plant being new, which has been installed after the 31st day of March, 1954..."

2. In the context of similar facts, this court construed similar words found in section 10(2)(via) of the Act in Commissioner of Income-tax v. Mir Mohammad Ali.

3. The relevant part of that sub-section reads :

"in respect of depreciation of buildings newly erected, or of machinery or plant being new which has been installed, after the 31st day of March, 1948..."

4. Adverting to that clause, this court held in the case cited above that replacement of petrol engines in the buses by diesel engines earned the allowance within the meaning of the said clause. While the former provision gives allowance by development rebate, the latter provision gives it by way of depreciation allowance. But the condition that the machinery or plant should be new is common for both. Following the above judgment we dismiss the appeal.

5. Appeal dismissed.