

IN THE HIGH COURT OF KARNATAKA
CIRCUIT BENCH AT DHARWAD

Dated: 22nd day of September 2011

Present
Hon'ble Mrs. Justice MANJULA CHELLUR

And
Hon'ble Mr. Justice V SURI APPA RAO

I.T.A No. 226/2008

Between:

1. The Commissioner of Income Tax,
Khimjibhoi Commercial Complex,
Opp: Civil Hospital,
Belgaum 590 001.
2. The Asst. Commissioner of
Income Tax, Circle-2
Belgaum. ...APPELLANTS

(By Sri Jeevan J. Neeralgi – Advocate.)

And:

Dr. Mahadev D. Dixit,
Plot No. 150,
Rani Chennamma Nagar,
Belgaum. ...RESPONDENT

(By Sri S. Parthasarathy - Advocate)

ITA is filed under Section 260-A of I.T. Act against the order dt. 24-9-2007 passed by the Income Tax Appellate Tribunal, Panaji Bench, in ITA.No.114/PNG/2007.

This ITA Coming on for hearing before the Court this day, upon hearing, Manjula Chellur, J delivered the following:-

JUDGMENT

Heard Sri Jeevan J.Neerajgi learned counsel for the Revenue and Sri S.Parthasarathy, learned counsel for the respondent.

2. This appeal arises out of the order of Tribunal in ITA No.114/2007 for the assessment year 2003-04. The substantial questions of law involved in this appeal are as under:-

- 1) Whether the first appellate authority and Tribunal was correct in holding that amounts received by the assessee from KLE Society's Hospital and Medical Research Centre is to

be treated as professional fee, though it is to be treated as salary?

2) Whether the first appellate authority and tribunal were correct in holding that the amounts paid by two institutions run by KLE Society to same person in different forms viz., one as salary and the other as professional payment and to be treated as such but not as salary as defined under Section 17(1)(iv)?

3) Whether the amounts received by the assessee from KLE Society's hospital and Medical Research Centre as professional fee does not partake the character of the meaning salary as defined under Section 17(1)(iv) of I.T.Act 1961?

3. The same substantial questions of law have been answered by us against the Revenue and in favour of the assessee in I.T.A.Nos.221, 220 and 222/2008 disposed of today.



4. For the reasons stated in the
aforementioned appeals, this appeal is dismissed
answering the substantial questions of law in favour
of the assessee and against the Revenue.

^ ^
Sd/-
JUDGE

Sd/-
JUDGE

MP