

**IN THE COURT OF APPEAL OF MALAYSIA IN KUCHING
(APPELLATE JURISDICTION)
CIVIL APPEAL NO: Q-01-34-2009**

BETWEEN

KETUA PENGARAH HASIL DALAM NEGERI

... APPELLANT

AND

SYARIKAT KION HOONG COOKING OIL MILLS SDN BHD

... RESPONDENT

*Revenue Law– interpretation – paragraph 7(a)(ii) of Schedule 7A - Income Tax Act
1967*

Issue : Whether paragraph 7(a)(ii) of Schedule 7A of the Income Tax Act 1967 precludes the tax payer from claiming Reinvestment Allowance for its non-promoted products under paragraph 1 of Schedule 7A of the Income Tax Act 1967.

Decision : The Court of Appeal allowed the Revenue's appeal. The decision of the Special Commissioners of Income Tax is restored. The tax payer is not entitled to claim reinvestment allowance in respect of a non promoted product since during the year of assessment under appeal the tax payer has been granted pioneer certificate under the Promotion of Investment Act 1986.

Status : No grounds of judgment are provided by the Court of Appeal. No right of further appeal.

Date of Judgment : 16 February 2012