

IN THE HIGH COURT OF BOMBAY AT GOA**TAX APPEAL NO.8 OF 2008**

The Commissioner of Income Tax,
Having office at Aayakar Bhavan,
Patto-Plaza, Panaji-Goa.

.... Appellant

V/s

M/s. Chowgule & Company Ltd.,
Having office at Chowgule House,
Marmugao-Harbour,
Marmugao, Goa.

.... Respondent

Ms. Asha Desai, Advocate for the Appellant.

Mr. Mihir Naniwadekar with Ms. Vinita Palyekar, Advocate for the Respondent.

Coram:- MOHIT S. SHAH, C.J. &
SMT. ANUJA PRABHUDESSAI, J.

Date:- 20th August, 2015

ORAL JUDGMENT : (Per Mohit S. Shah, C.J.)

This appeal challenges the order dated 12/07/2007 of the Income Tax Appellate Tribunal, Panaji Bench. The relevant Assessment Year is 1999-2000.

2. Vide order dated 27/02/2008, the appeal was admitted on the following substantial questions of law:

(A) Whether on the facts and in the circumstances of the case, the ITAT was justified in deleting the exclusion made by the AO in respect of amount received towards uptooping vessel income, machinery hire income, barge

management expenses. Being not having any nexus with the export activity of the assessee under clause (baa) of Explanation to the purpose of determining profits of the business u/s 80HHC?

(B) Whether on the facts and in the circumstances of the case, the ITAT was justified in deleting the exclusion made by the AO in respect of amount received towards miscellaneous income, like insurance claim, excess provisions written back, unclaimed balance, group insurance, service charges etc., being not having not nexus with the export activity of the assessee under clause (baa) of Explanation for the purpose of determining profits of the business u/s 80HHC ?

2. By a separate judgment delivered today in Tax Appeals No.6 and 7 of 2008 of this very Assessee, we have remanded the matter to the Assessing Officer to consider these questions in the light of the judgment dated 7/05/2015 of this Court in ***Sesa Goa Ltd. V/s. The Commissioner of Income Tax in Tax Appeal No.53/2006.*** Following the said judgment, we remand this matter also to the Assessing Officer for deciding the question in the light of the aforesaid judgment of this Court. Tax Appeal accordingly stands disposed of.

SMT. ANUJA PRABHUDESSAI, J. MOHIT S. SHAH, C.J.
NH/-