IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPEAL NO. 1423 OF 2013

Director of Income Tax (IT)-I, Mumbai … Appellant

v/s

M/s. Credit Agricole Indo Suez … Respondent

Mr.Tejveer Singh for the appellant.

Mr.P.J. Pardiwalla with M. Agarwal i/by A.K. Jasani for the respondent.

CORAM: M.S. SANKLECHA &
N.M. JAMDAR, JJ.

DATED : 22ND JULY, 2015

P.C.:

This appeal by the revenue assails the order dated 21 September 2012 passed by the Income Tax Appellate Tribunal (the Tribunal) in respect of Assessment Year 2000-01.

2 The appellant revenue has raised the following questions of law for our consideration :-

(1) Whether on the facts and circumstances of the case and in law, the Tribunal was justified in holding that income chargeable at special rate under Section 10(15)

would be on gross basis and not on net basis ?

(2) Whether on the facts and circumstances of the case and in law, the Tribunal has erred in holding that the interest earned on NOSTRO A/c. is taxable ?

(3) Whether on the facts and circumstances of the case and in law the Tribunal was justified in holding that expenses incurred at Head Office on behalf of Indian branch of the assessee are deductible under Section 37(1) of the Act without any restrictions contained in Section 44C ?

(4) Whether on the facts and circumstances of the case and in law the Tribunal was justified in holding that interest/commission received by Indian Permanent Establishment of the foreign bank from its head office and other overseas branches ? Also whether the disallowance under Section 40(a)(ia) is warranted when no withholding tax has been done for interest payment paid to HO and overseas Branch ?

3 It is an agreed position between the parties that the questions formulated herein were the subject matter of the appeal filed by the revenue in respondent-assessee's own case being Income Tax Appeal No.1430 of 2013 for the Assessment Year 1997-98, wherein the questions raised herein were not entertained. Consequently the questions as formulated are not being entertained for the reasons indicated in our order dated 17 June 2015 in Income Tax Appeal No.1430 of 2015.

4 Accordingly, appeal dismissed. No order as to costs.

(N. M. JAMDAR, J.) ***(M.S. SANKLECHA, J.)***