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

INCOME TAX APPEAL NO. 2044 OF 2013

Commissioner of Income Tax-4 ..Appellant

Vs.

M/s Vikabh Securities P Ltd. ..Respondent

....

Mr. Ashok Kotangale, Advocate i/b Padma Divakar for Appellant.
Ms. Aasifa Khan, Advocate for Respondent.

....

CORAM : M.S. SANKLECHA &
G.S. KULKARNI, JJ.
DATED : 27 OCTOBER 2015

P.C.:

This appeal under Section 260A of the Income Tax Act, 1961 (the 'Act') challenges the order dated 31 January 2013 passed by the Income Tax Appellate Tribunal (the 'Tribunal'). The Assessment Year involved is A.Y. 2006-07.

2. The revenue has urged following questions of law for our consideration:

"1) Whether on the facts and the circumstances of the case and in law, the Tribunal was justified in deleting the disallowance made as per sub clause (ii) of Rule 8D(2) r.w.s. 14A of the Act?

2) Whether on the facts and the circumstances of the case and in law, the Tribunal was justified in relying on the decision in the case of Godrej & Boyce Mfg. Co. Ltd. Vs. DCIT (2010) 328 ITR 81 (Bom.), when the revenue has not accepted the principles laid down by the said decision as evidenced by the SLP filed?"

3. As is evident from the proposed questions of law the impugned order of the Tribunal placed reliance upon the decision of this Court in ***Godrej & Boyce Mfg. Co. Ltd. Vs. DCIT***[1] and held that Rule 8D of the Income Tax Rule, 1962 (the 'Rule') would not be applicable for the purposes of disallowance under Section 14A of the Act for assessment prior to Assessment Year 2008-09. In the above view the impugned order holds the disallowance has to be made on reasonable basis and not on application of Rule 8D of the Income Tax Rules for the subject Assessment Year 2006-07.

4. It is an agreed position between the parties that the issues arising herein stands concluded by the decision of this Court in

1. 328 ITR 81

Godrej & Boyce Mfg. Co. Ltd. (supra) and the same has been followed by the impugned order. Thus, the questions as framed do not give rise to any substantial question of law. Thus not entertained.

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

[G.S. KULKARNI, J] **[M.S. SANKLECHA, J.]**