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

INCOME TAX APPEAL NO. 1677 OF 2013

Commissioner of Income Tax-7, Mumbai ..Appellant
Vs.
M/s Sandoz Pvt. Ltd. ..Respondent

....

Mrs. S.V. Bharucha, Advocate for Appellant.
Mr. P.C. Pardiwalla, Senior Advocate a/w B.D. Damodar, Advocate for Respondent.

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CORAM : M.S. SANKLECHA &
N.M. JAMDAR, JJ.
DATED : 3 AUGUST 2015

P.C.:

This appeal by the revenue challenges the order dated 20 February 2013 passed by the Income Tax Appellate Tribunal (the 'Tribunal') for the Assessment Year 2003-04.

2. The revenue urges following question of law for our consideration:

> "Whether on the facts and the circumstances of the case and in law the Tribunal was justified in holding that the provisions of Section 14A of the Act are not attracted in the case of assessee as

> Section 10B of the Act is in the nature of deduction and not in the nature of exemption?"

3. Both the learned Counsel are agreed that the issue arising in the present appeal stands concluded by virtue of decision of this Court rendered in respondent-assessee's own case in Income Tax Appeal Nos. 1379/2013 and 1400/2013 decided on 24 June 2015.

4. The impugned order of the Tribunal has followed its order dated 9 November 2012 for the Assessment Year 2001-02 and 2002-03 in granting relief to the respondent. It is the joint submission of the Counsel that the issue arising in the present appeal now stands concluded against the revenue and in favour of the assessee by the decision of this Court dated 24 June 2015 in respect of revenue's appeal for Assessment Year 2001-02 & 2002-03.

5. In view of the above, the question as framed does not give rise to any substantial question of law. Accordingly, appeal is dismissed. No order as to costs.

[N.M. JAMDAR, J] **[M.S. SANKLECHA, J.]**