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

INCOME TAX APPEAL NO. 2071 OF 2013

Commissioner of Income Tax-16 ..Appellant
Vs.
Ashok B. Garware ..Respondent

....

Mr. A.R. Malhotra a/w N.A. Kazi, Advocates for Appellant.
None for Respondent.

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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') challenge the order dated 8 January 2013 passed by the Income Tax Appellate Tribunal (the 'Tribunal'). The Assessment Year involved is A.Y. 2008-09.

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

> "Whether in the facts and circumstances of the case and in law, the Tribunal was correct in computing the capital gains in the hands of an assessee who had acquired the capital asset by inheritance was to be

computed with reference to the year in which the previous owner first held the asset or the year in which the assessee became the owner of the asset?"

3. The impugned order of the Tribunal has followed the decision of this Court in ***CIT Vs. Manjula Shah***[1] to hold that the property acquired on transmission by law, the cost of acquisition of the property in the hands of the respondent-assessee would be the cost at which the previous owner had acquired the property and further where it is acquired prior to 1 April 1981 then the cost of acquisition of the property as on 1 April 1981 on application of cost inflation index. This for the purposes of determining the capital gains chargeable to tax in the hands of the respondent-assessee.

4. As the impugned order merely follows the decision of this Court in Manjula J. Shah (supra), no substantial question of law arises for our consideration. Therefore not entertained.

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

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

1. 355 ITR 474