IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ANTONY DOMINIC
&
THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

THURSDAY, THE 6TH DAY OF AUGUST 2015/15TH SRAVANA, 1937

I.T.A.No.205 of 2013
----------------------------
AGAINST THE ORDER IN ITA 528/2007 of I.T.A.TRIBUNAL,COCHIN BENCH DATED 25-05-2012

APPELLANT/APPELLANT:
---------------------------------

THE DIRECTOR OF INCOME TAX
INTERNATIONAL TAXATION, CHENNAI

BY ADVS.SRI.P.K.R.MENON,SR.COUNSEL, GOI(TAXES)
SRI.JOSE JOSEPH, SC, FOR INCOME TAX

RESPONDENT/RESPONDENT:
--------------------------------------

M/S.OMAN & UAE EXCHANGE CENTRE & COMPANY. LLC
LiAISON OFFICE, OPP.MAHARAJAS COLLEGE GROUND, M.G ROAD
KOCHI 682 011

R1 BY ADV. SRI.JOSEPH MARKOSE (SR.)
R1 BY ADV. SRI.V.ABRAHAM MARKOS
R1 BY ADV. SRI.BINU MATHEW
R1 BY ADV. SRI.TOM THOMAS (KAKKUZHIYIL)
R1 BY ADV. SRI.ABRAHAM JOSEPH MARKOS
R1 BY ADV. SRI.ISAAC THOMAS
R1 BY ADV. SRI.NOBY THOMAS CYRIAC

THIS INCOME TAX APPEAL HAVING BEEN FINALLY HEARD ON 06-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

I.T.A.No.205 of 2013

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A: TRUE COPY OF ORDER OF AUTHORITY FOR ADVANCE RULING (AAR) DATED 26.5.2004.

ANNEXURE B: TRUE COPY OF THE ASSESSMENT ORDER DATED 22.12.2006.

ANNEXURE C: TRUE COPY OF THE APPEAL MEMO DATED 1.1.2007.

ANNEXURE D: TRUE COPY OF THE BOARD'S CIRCULAR.

ANNEXURE E: TRUE COPY OF THE ORDER OF THE COMMISSIONER OF INCOME TAX (APPEALS) DATED 30.3.2007.

ANNEXURE F: TRUE COPY OF THE ORDER OF THE INCOME TAX APPELLATE TRIBUNAL DATED 25.5.2012.

ANNEXURE G: TRUE COPY OF THE ORDER OF THE INCOME TAX APPELLATE TRIBUNAL IN THE CASE OF WESTERN UNION FINANCIAL SERVICES DATED 10.3.2006.

// TRUE COPY //

P.A. TO JUDGE

**ANTONY DOMINIC & SHAJI P.CHALY, JJ.**

**- - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - -**

**I.T.A.No.205 of 2013**

**- - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - -**

**Dated this the 6th day of August, 2015**

**JUDGMENT**

***Antony Dominic, J.***

The issues raised in this appeal are covered against the Revenue in view of the judgment of the Delhi High Court in *U.A.E. Exchange Centre Ltd. v. Union of India and another [313 ITR 94]*. However, taking note of the directions of the judgment of this Court in ITA 352/10 and connected cases rendered on 19th December 2011, we clarify though we close this appeal in the light of the Delhi High Court judgment, we leave it open to the Revenue to move an application before this Court for reopening the appeals in the event the Supreme Court allows the SLP filed by the Revenue against the judgment of the Delhi High Court. It is also clarified that in such an event, it would be open to both sides to argue the case on merits.

Appeal is accordingly disposed of.

*Sd/-*
**ANTONY DOMINIC**
**JUDGE**

*Sd/-*
**SHAJI P. CHALY**
**JUDGE**

*jes*