THE HON'BLE SRI JUSTICE DILIP B.BHOSALE

AND

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

I.T.T.A.Nos.118 of 2004, 215 of 2007 & 71 of 2008

COMMON JUDGMENT: (per the Hon'ble Sri Justice Dilip B.Bhosale)

Ms. K. Uma, learned counsel appearing for the respondent – assessee in I.T.T.A.Nos.215 of 2007 and 71 of 2008, submits that the questions raised in all the appeals, including I.T.T.A.No.118 of 2004, are squarely covered by the judgment of the Supreme Court in **Commissioner of Income Tax, Thiruvananthapuram v. Baby Marine Exports, Kollam** and that the appeals filed by the revenue deserve to be dismissed answering all the questions in favour of the assessees and against the revenue. She also invited our attention to the order of the Income Tax Appellate Tribunal from which I.T.T.A.No.215 of 2007 and 71 of 2008 are arising from and submitted that the Tribunal decided the appeals on the basis of its judgment in I.T.A.Nos.47 and 48 of 1998 dated 31.03.2000 in **Baby Marine Exports v. Assistant Commissioner of Income Tax**. She submits that the order of the Tribunal dated 31.03.2000 was carried to the High Court and then to the Supreme Court and the Supreme Court confirmed the order of the Tribunal. In short, she submits that the questions raised in the instant appeals deserve to be answered against the revenue and in favour of the assessees.

The submissions of the learned counsel for the respondent – assessee, have not been disputed by the learned counsel for the revenue.

We have perused the questions raised in these appeals and so also the questions that fell for consideration of the Supreme Court, in **Baby Marine Exports**'s case (supra) and we find that these appeals deserve to be dismissed, answering substantial question of law raised herein in favour of the assessees and against the revenue.

Order accordingly. No order as to costs.

Consequently, miscellaneous petitions, if any, also stand disposed of.

DILIP B.BHOSALE,J

A.RAMALINGESWARA RAO,J

Dt:15.04.2015

GJ