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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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ITA 589/2014

THE COMMISSIONER OF INCOME TAX-II

..... Appellant

Through: Mr Rohit Madan, Senior Standing
Counsel with Mr Zoheb Hossain, Advocate.

versus

MORGAN SECURITIES & CREDITS PVT. LTD. Respondent

Through: Mr Simran Mehta and Mr Prabhat Kalia,
Advocates.

AND

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ITA 590/2014

THE COMMISSIONER OF INCOME TAX
DELHI-II

..... Appellant

Through: Mr Rohit Madan, Senior Standing
Counsel with Mr Zoheb Hossain, Advocate.

versus

MORGAN SECURITIES & CREDITS PVT. LTD. Respondent

Through: Mr Parag P. Tripathi, Senior Advocate
with Mr Simran Mehta and Mr Prabhat Kalia,
Advocate.

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CORAM:
HON'BLE DR. JUSTICE S.MURALIDHAR
HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER
% **15.09.2015**

CM No.14990/2014 in ITA 590/2014

1. For the reasons stated in the application, the delay of 200 days in re-filing the appeal is condoned.

2. The application stands disposed of.

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3. These are appeals filed by the Revenue against the order dated 31st January, 2014 passed by the Income Tax Appellate Tribunal ('ITAT') in ITA No.5527/Del/2010 for Assessment Year ('AY') 2006-07 and against the order dated 29th February, 2012 passed by the ITAT in ITA No.1402/Del/2011 for AY 2007-08.

4. The common question that is urged in both appeals by the Revenue is whether Rule 8D of the Income Tax Rules, 1962 is prospective? The said question stands answered against the Revenue and in favour of the Assessee

by the decision of this Court in *Maxopp Investment Ltd. v. Commissioner of Income Tax*, (2012) 347 ITR 272 (Del).

5. Consequently, no substantial question of law arises in these appeals.

6. The appeals are dismissed.



S.MURALIDHAR, J



VIBHU BAKHRU, J

SEPTEMBER 15, 2015
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