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

INCOME TAX APPEAL NO. 188 OF 2014

Commissioner of Income Tax-11
Mumbai .. Appellant

v/s.
M/s. RSM &I Co. .. Respondent

Mr. A.R. Malhotra a/w Mr. N.A. Kazi for the appellant
Mr. Paras S. Savla a/w Ms. Keerthiga Sharma for the respondent

CORAM : M.S. SANKLECHA &
A.K. MENON, J.J.

DATED : 11th AUGUST, 2016.

P.C.

1. This Appeal under Section 260-A of the Income Tax Act, 1961 (the Act) challenges the order dated 31st July, 2013 passed by the Income Tax Appellate Tribunal (the Tribunal). The impugned order is in respect of Assessment Year 2007-08.

2. The Revenue raises following question of law for our consideration :-

> *"Whether on the facts and in circumstances of the case and in law, the Tribunal is justified in holding that sum of Rs.1,06,85,710/- being payment made to ex-partners is allowable as deduction?"*

3. It is an agreed position between the parties that the question proposed by the Revenue in the appeal stands concluded against the Revenue and in favour of the respondent assessee by the decision of this Court in (i) *Commissioner of Income Tax Vs. Kanga & Co.* (Income Tax Appeal No.2277 of 2013, rendered on 1st February, 2016), *Commissioner of Income Tax Vs. Mulla & Mulla and Craigie, Blunt and Caroe, 190 ITR 198* and *Commissioner of Income Tax Vs. M/s. C.C. Chokshi & Co.* (Income Tax Appeal No. 1692 of 2011, rendered on 4th February, 2013).

4. In the above view, as the issue stands concluded by the decisions of this Court, the question as proposed does not give rise to any substantial question of law. Thus, not entertained.

5. The appeal is dismissed. No order as to costs.

(A.K. MENON, J.) **(M.S. SANKLECHA, J.)**