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

INCOME TAX APPEAL NO. 411 OF 2014

Commissioner of Income Tax-7 Mumbai .. Appellant

v/s.

M/s. R.R. Kabel Ltd. .. Respondent

Ms. S.V. Bharucha a/w Ms. Padma Divakar for the appellant
Mr. Rahul Hakani a/w Shashank Dundu for the respondent

CORAM : M.S. SANKLECHA &
S.C. GUPTE, J.J.
DATED : 23rd AUGUST, 2016.

P.C.

1. This Appeal under Section 260-A of the Income Tax Act, 1961 (the Act) challenges the order dated 18th September, 2013 passed by the Income Tax Appellate Tribunal (the Tribunal). The impugned order is in respect of Assessment Year 2007-08.

2. Ms. Bharucha, learned Counsel for the Revenue urges only following question of law for our consideration :-

> *(i) Whether on the facts and circumstances of the case and in law, the Tribunal was justified in quashing the order of CIT(A) while confirming the addition of Rs.4.02 Crores under Section 145A of the Act made on account of non inclusion of exercise duty in the valuation of closing stock by ignoring the provision of*

Section 145A of the Act, which states that all taxes and duties paid are to be included for the purpose of valuation under Section 145A of the Act?

3. The impugned order of the Tribunal allowed the respondent assessee's appeal by *inter alia* recording the fact that for the A.Y. 2006-07, an identical issue has arisen before it and the same was decided in favour of the respondent assessee. Being aggrieved, the respondent carried the issue in appeal before this Court being Income Tax Appeal No.795 of 2012 and it was dismissed on 19th September, 2014.

4. Ms. Bharucha, learned Counsel for the Revenue very fairly states that the issue raised herein stand concluded against the Revenue and and in favour of the assessee by the decision of this Court in Income Tax Appeal No.795 of 2012 decided on 19th September, 2014.

5. In the above view, the question as proposed does not give rise to any substantial question of law. Thus, not entertained.

6. The appeal is dismissed in the aforesaid terms. No order as to costs.

(S.C. GUPTE, J.) **(M.S. SANKLECHA, J.)**