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

INCOME TAX APPEAL NO. 391 OF 2014
WITH
INCOME TAX APPEAL NO. 392 OF 2014

Commissioner of Income Tax-7
Mumbai .. Appellant

v/s.

M/s. Ram Ratna Wires Ltd. .. Respondent

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

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

P.C.

1. These two Appeals under Section 260-A of the Income Tax Act, 1961 (the Act) challenge the common impugned order dated 13th September, 2013 passed by the Income Tax Appellate Tribunal (the Tribunal). The appeals relate to Assessment Years 2007-08 and 2008-09.

2. Mrs. Bharucha, learned Counsel for the Revenue has urged following substantial question of law for our consideration :

> *(i) Whether on the facts and circumstances of the case and in law, the Tribunal is justified in quashing the order of the CIT(A) wherein the addition was enhanced from 54.06 lacs to Rs.1,42,00,000/- under Section 145A of the Income Tax Act, 1961, made on account of non inclusion of excise duty in the valuation of closing stock by ignoring the provision of Section 145A of the I.T. Act, which states that all taxes and duties paid are to be included for the purpose of valuation under section 145A of the Income Tax Act, 1961?*

3. We find that the impugned order of the Tribunal has recorded the fact that Section 145A of the Act is applicable to the facts of the present case. Mrs. Bharucha, learned Counsel appearing for the Revenue states that the issue raised herein is concluded against the Revenue and in favour of the appellant assessee by the decision of this Court in Revenue's appeal in the case of respondent assessee's sister concern, M/s. R.R.Kabel Ltd. being Income Tax Appeal No.795 of 2012 decided on 19th September, 2014. We note that the impugned order of the Tribunal relies upon its decision rendered in the case of *R.R. Kabel Ltd. (supra)*.

4. In view of the statement made by the appellant Revenue, the question as proposed does not give rise to any substantial question of

law. Thus, not entertained.

5. Both the appeals are dismissed. No order as to costs.

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