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

INCOME TAX APPEAL NO. 745 OF 2014

The Commissioner of Income Tax-2 .. Appellant

v/s.

IBI Chemature (Engineering & Consultancy) Ltd. .. Respondent

Mr. Suresh Kumar a/w Ms. Samiksha Kanani for the appellant
Mr. Sanjiv M. Shah for the respondent

CORAM : M.S. SANKLECHA &
G.S.KULKARNI, J.J.

DATED : 5th OCTOBER, 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 2008-09.

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

(i) Whether on the facts and circumstances of the case, the Tribunal was correct in law, in allowing the deduction u/s 10B

of the Income Tax Act, 1961 to the assessee, when as per Section 80(2), 80A(4) and the Circular No.7/DV/2003 dated 16/07/2013 issued the Central Board of Direct Taxes, it is clear that the deduction u/s 10B of the Income Tax Act, 1961 has to be given on total income computed as per the provisions of the Income Tax Act, considering profits of both the eligible and ineligible units?

3. Mr. Suresh Kumar, learned Counsel for the appellant Revenue very fairly states that the issue raised herein stands concluded against the Revenue and in favour of the respondent assessee by a decision of this Court in ***Commissioner of Income Tax Vs. Black and Veatch Consulting Pvt. Ltd. 348 ITR 72***.

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

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

(G.S. KULKARNI, J.) **(M.S. SANKLECHA, J.)**