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

INCOME TAX APPEAL NO. 712 OF 2014

Commissioner of Income Tax-5 .. Appellant

v/s.

M/s. London Star Diamond Co.(India)
Pvt. Ltd. .. Respondent

Mrs. S.V. Bharucha for the appellant
Mr. Jitendra Singh for the respondent

CORAM : M.S. SANKLECHA &
MRS. SWAPNA JOSHI, J.J.

DATED : 19th OCTOBER, 2016.

P.C.

1. This Appeal under Section 260-A of the Income Tax Act, 1961 (the Act) challenges the order dated 11th October, 2013 passed by the Income Tax Appellate Tribunal (the Tribunal). The impugned order is in respect of Assessment Year 2009-10.

2. The Revenue has urged the only following question for our consideration :-

> *"Whether on the facts and circumstances of the case and in law, the Tribunal was justified in allowing the loss of*

Rs.4,14,88,805/- as business loss being related to forward contracts which are integral or incidental to the export of diamonds arising from cancellation of matured contracts inspite of the fact that the assessee does not deal in foreign exchange and is a diamond merchant?

3. Mrs. Bharucha, learned Counsel for the appellant Revenue very fairly states that the issue arising herein stands concluded against the Revenue and in favour of the respondent assessee by the decision of this Court in ***Commissioner of Income Tax Vs. M/s. D. Chetan & Co.*** (Income Tax Appeal No.278 of 2014), rendered on 1st October, 2016.

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

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

(MRS. SWAPNA JOSHI, J.) **(M.S. SANKLECHA, J.)**