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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPEAL NO.2289 OF 2013

Commissioner of Income Tax-16 ..Appellant
Versus
M/s. Twinkle Diamonds ..Respondent

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Mr. A. R. Malhotra a/w N. A. Kazi for the Appellant.
None for the Respondent.

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

DATE : 5TH APRIL, 2016

P.C.:

1. This Appeal under Section 260A of the Income Tax Act, 1961 (the Act) challenges the order dated 6th May, 2013 passed by the Income Tax Appellate Tribunal (the Tribunal). The impugned order is in respect of Assessment Year 2007-08.

2. This appeal raises the following question of law for our consideration :-

> *"(i) Whether on the facts and in the circumstances of the case and in law, the Tribunal was right in determining the Arms Length Prince (ALP) with regard to international transactions*

with the Associated Enterprises instead of entire turnover of the assessee and therefore deleting the addition of Rs.1,17,06,870/- towards ALP made by the Assessing Officer?"

3. Mr. Malhotra, the learned counsel appearing for the Revenue very fairly states that the issue arising herein stands concluded against the Revenue and in favour of the Assessee by the decision of this Court in ***Commissioner of Income Tax-8 V/s. M/s. Tara Jewels Exports Pvt. Ltd. (Income Tax Appeal No.1814 of 2013)*** decided on 5th October, 2013; ***Commissioner of Income Tax V/s. Keihin Panalfa Ltd. (Income Tax Appeal No.11 of 2015)*** decided on 9th September, 2015 and ***Commissioner of Income Tax-16 V/s. M/s. Ratilal Becharlal & Sons (Income Tax Appeal No.1906 of 2013)*** decided on 24th November, 2015. In the above view, the questions of law as proposed does not give rise to any substantial question of law. Thus, not entertained.

4. The Appeal is dismissed. No order as to costs.

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

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