IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPEAL NO. 251 OF 2014

The Commissioner of Income Tax-3 …Appellant
v/s.
General Atlantic Private Ltd. …Respondent

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Mr. N.C. Mohanty,for the Appellant.
Mr. P.F. Kaka, Sr. Advocate a/w Mr. Divesh Chawla, i/b Atul K. Jasani, for the Respondent.

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CORAM : M.S. SANKLECHA &
M.S. KARNIK, JJ.

DATED : 15th July, 2016

P.C :

1. This Appeal under Section 260-A Income Tax Act, 1961 (the Act) challenges the order dated 17th May, 2013 passed by the Income Tax Appellate Tribunal (the Tribunal). The impugned order relates to Assessment year 2007-2008.

2. The Appellant-Revenue has re-framed the following question of law for our consideration:-

"Whether on the facts and in the circumstances of the case and in law the Tribunal was justified in law holding that the

assessee's activity of providing services is similar to the nature of services and activity of Carlyle India Advisors Pvt. Ltd. Ignoring the fact that activities of the assessee's are comparable to merchant banking / investment banking activities?"

3. We note that the impugned order of the Tribunal allowed the Respondent-Assessee's appeal by following its order in the case of same Respondent-Assessee for the Assessment Year 2006-2007. It is an agreed position between the parties that being aggrieved by the order of the Tribunal for the Assessment Year 2006-2007 rendered in respect of the same Assessee, the Revenue had preferred an appeal to this Court being Income Tax Appeal No. 1993 / 2013. This court by an order dated 8th March, 2016 dismissed the Revenue's appeal.

4. Mr. Mohanty, learned counsel for the Revenue is unable to show any distinguishing features in the present facts which would warrant taking a view different from that taken in the order dated 8th March 2016, in Income Tax Appeal 1993 / 2013.

5. Therefore, as the proposed question of law is a concluded issue, the question as framed does not give rise to any substantial question of law. Thus, not entertained.

6. Appeal is dismissed. No order as to costs.

(M.S. KARNIK J.) **(M.S. SANKLECHA J.)**