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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
22.
\+ **ITA 418/2015, CM APPL. 31117/2015**

PR. COMMISSIONER OF INCOME TAX – 9 ..... Appellant
Through: Mr. Ruchir Bhatia, Sr. Standing Counsel with Mr. Puneet Rai, Adv.

versus

TUPPERWARE INDIA PVT. LTD ..... Respondent
Through: Dr. Rakesh Gupta, Adv. with Mr. Somil Agarwal, Adv. and Ms. Monika Ghai, Adv.

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE VIBHU BAKHRU

O R D E R
% **16.05.2016**

1. This Court has in ***Commissioner of Income Tax v. Keihin Panalfa Ltd. (2016) 381 ITR 407 (Delhi)*** clarified that there cannot be a transfer pricing adjustment in respect of international transaction by presuming that the total expenses incurred by an entity, which is carrying on other transactions as well, should be attributed entirely to the international transactions. In other words, it was clarified that the transfer pricing adjustment should be proportionate to the percentage of international transactions constituting a portion of the total transactions.

2. In the present case, given the factual situation, it transpires that if the above legal principle is applied then even accepting the case of the Revenue, only 12.87% of the total operating costs can be attributed to the costs of the international transactions. The tax effect qua the resultant figure is below Rs. 20 lakhs. Therefore in terms of Circular No. 21/2015 dated 10th December 2015, this appeal would have to be treated as not pressed. The appeal is accordingly dismissed as not pressed.

S.MURALIDHAR, J

VIBHU BAKHRU, J

MAY 16, 2016
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