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

INCOME TAX APPEAL NO. 1315 OF 2014

The Commissioner of Income Tax-3 Mumbai .. Appellant

v/s.

Siro Clinpharm Pvt. Ltd. .. Respondent

Mr. Ashok Kotangle a/w Ms. Padma Divakar for the appellant
Mr. Prakash Shah a/w Mr. Jas Sanghavi i/b PDS Legal for the respondent

CORAM : M.S. SANKLECHA &
A.K. MENON, J.J.
DATED : 9th JANUARY, 2017.

P.C.

1. This Appeal under Section 260-A of the Income Tax Act, 1961 (the Act) challenges the order dated 27th September, 2013 passed by the Income Tax Appellate Tribunal (the Tribunal). The impugned order is in respect of Assessment Year 2007-08.

2. The Revenue urges the following substantial 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 allowing the claim of the assessee for a deduction u/s 80IB(8A) of the Income Tax Act without appreciating the fact that the assessee did not fulfilled*

the conditions stipulated in Rule 18DA for claiming deduction under Section 80IB(8A) of the Act.?"

3. The impugned order of the Tribunal allowed the respondent assessee's appeal. This by following the decision of its co-ordinate bench in ***Rubicon Research Pvt. Ltd. Vs. Income Tax Officer*** (ITA No. 6122/Mum/2009) for A.Y. 2006-07 rendered on 24th February, 2010 and the decision of this Court in ***Indian Planetary Society Vs. Central Board of Direct Taxes & Ors. 318 ITR 102***.

4. Mr. Kotangle, learned Counsel appearing for the Revenue very fairly states that the the issue urged by the Revenue herein stands concluded against the Revenue by the decision of this Court in Indian Planetary Society (supra).

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

6. Therefore, the appeal is dismissed. No order as to costs.

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