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

INCOME TAX APPEAL NO.1388 OF 2014
ALONG WITH
INCOME TAX APPEAL NO.1393 OF 2014

The Commissioner of Income Tax-I,
Pune .. Appellant

v/s.
Isha Realtors Pvt. Ltd. .. Respondent

Mr. Tejveer Singh for the appellant
None for the respondent

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

DATED : 13th JANUARY, 2017.

P.C.

1. These Appeals under Section 260-A of the Income Tax Act, 1961 (the Act) challenges the common order dated 25th October, 2013 passed by the Income Tax Appellate Tribunal (the Tribunal). The common impugned orders relates to Assessment Years 2005-06, 2006-07 and 2007-08. The two appeals before us relate to Assessment Years 2006-07 and 2007-08.

2. The Revenue urges the following identical question of law in both the appeals as under :-

"(i) Whether on the facts and in the circumstances of the case and in law, the Tribunal was justified in holding that the amended provisions u/s 80IB(10)(d) of the Income Tax Act, 1961 would not be applicable for Assessment Years 2006-07 and 2007-08 if the project commenced prior to 01.04.2005?"

3. Mr. Tejveer Singh, learned Counsel appearing for the 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. Happy Home Enterprises, 372 ITR 1*** and ***Commissioner of Income Tax Vs. Sarkar Builders, 375 ITR 392***.

4. In view of the above, the question as proposed in both the appeals being concluded against the Revenue and in favour of the respondent assessee, would not give rise to any substantial question of law. Thus, not entertained.

5. Accordingly, both the appeals are dismissed. No order as to costs.

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