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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INCOME TAX APPEAL NO. 676 OF 2015

Pr. Commissioner of Income Tax-2 … Appellant

vs.

M/s. Birla Group Holdings Pvt. Ltd. … Respondent

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Mr. Suresh Kumar for the Appellant.
Mr. Atul K. Jasani for the Respondent.

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CORAM : A.S. OKA & A.K. MENON, JJ.
DATE : 6th NOVEMBER, 2017

P. C.

1. Heard. Learned Counsel appearing for the appellant. The appellant has taken an exception to the judgment and order dated 19th December, 2014 passed by the Income Tax Appellate Tribunal, "B" Bench, Mumbai. By the impugned Order, the Appellate Tribunal dealt with assessment year 2007-08 and 2009-10.

2. With view to appreciate the submissions canvassed across the bar it is necessary to advert to the basic facts. The present appeal relates to the assessment year 2007-08. The Order of the Assessment Officer was challenged by the respondent assessee by preferring an appeal before the CIT(Appeals). The CIT (Appeals) partly allowed the appeal by accepting the

submission that Rule 8D as amended with effect from 1st April, 2007 had no retrospective operation.

3. The view taken by the first Appellate Authority has been confirmed by the impugned judgment and order by holding that Rule 8D will apply only from the Assessment year 2008-09. This reasoning recorded by the Appellate Tribunal is in conformity with the decision of the Court in the case of ***Godrej & Boyce Manufacturing Co. Ltd. Vs DCIT***[1] Bombay. As far as this Court is concerned, admittedly it continues to be bound by the decision in the case of *Godrej & Boyce Manufacturing Co. Ltd. (Supra)*.

4. The SLP preferred by the Revenue against the decision in the case of M/s. Godrej and Boyce Manufacturing Co. has been dismissed on the ground of delay.

5. Hence no substantial question of law arises. Appeal is dismissed.

(A.K. MENON, J.) **(A.S. OKA, J.)**

1 (2010) 328 ITR 082