

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

**INCOME TAX APPEAL NO. 1674 OF 2014
WITH
INCOME TAX APPEAL NO. 1675 OF 2014
WITH
INCOME TAX APPEAL NO. 1698 OF 2014**

The Commissioner of Income Tax-III,
Pune

.. Appellant

v/s.

The Karad Urban Co-op. Bank Ltd.

.. Respondent

Mr. Tejveer Singh i/b Padma Divakar for the appellant
None for the respondent

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

DATED : 7th MARCH, 2017.

PC.

1. All the three Appeals under Section 260-A of the Income Tax Act, 1961 (the Act) challenges the common order dated 31st January, 2014 passed by the Income Tax Appellate Tribunal (the Tribunal). The impugned order is in respect of Assessment Years 2007-08, 2008-09 and 2009-10.

2. The Revenue has urged the following identical questions of law in all the three appeals for our consideration :-

(i) *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 of depreciation on Government Securities shifted from AFS to HTM securities ?*

(ii) *Whether on the facts and in the circumstances of the case and in law, the Tribunal was justified in allowing a deduction of amortized premium paid by the bank over and above the face value of the HTM securities at the time of acquisition of such Government Securities ?*

3. Mr. Tejveer Singh, learned counsel appearing for the appellant Revenue very fairly states that both the questions raised in the present appeals stand concluded against the Revenue and in favour of the respondent assessee by the decision of this Court in ***Commissioner of Income Tax Vs. Thane Bharat Sahakari Bank Ltd.*** (Income Tax Appeal No.1117 of 2013) decided on 17th March, 2015.

4. In view of the above submission made on behalf of the appellant Revenue, no further examination is called for as the issue stands concluded by the decision of this Court in *Thane Bharat Sahakari Bank Ltd. (supra)*. Consequently, the questions of law as proposed do not

give rise to any substantial question of law. Thus, not entertained.

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

(A.K. MENON, J.)

(M.S. SANKLECHA, J.)