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

INCOME TAX APPEAL NO. 1682 OF 2014
WITH
INCOME TAX APPEAL NO. 1873 OF 2014

Commissioner of Income Tax-22 .. Appellant
v/s.

Shri Kulswami Co-op. Credit Society Ltd. .. Respondent

Mr. Nirmal C. Mohanty for the appellant
Mr. V.S. Hadade for the respondent

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

DATED : 20th MARCH, 2017.

P.C.

1. This Appeal under Section 260-A of the Income Tax Act, 1961 (the Act) challenges the common order dated 28th March, 2014 passed by the Income Tax Appellate Tribunal (the Tribunal). The common impugned order is in respect of Assessment Years 2007-08 and 2008-09.

2. The Revenue urges the following identical question of law for our consideration :-

"Whether on the facts and in the circumstances of the case and in law, the Tribunal is justified as claimed by the assessee on the

ground that the assessee, a co-operative credit society and is not a bank for the purpose of Section 80P(4) of the Act?

3. It is an agreed position between the parties that the issue arising herein stands concluded against the Revenue and in favour of the respondent assessee for the subject assessment years by the decision of this Court in ***M/s. Quepem Urban Co-operative Credit Society Ltd. Vs. Assistant Commissioner of Income Tax, 377 ITR 272*** and the decision in ***Principal Commissioner of Income Tax, Goa Vs. Goa PWD Staff Co-op. Credit Society Ltd. (2016) 242 Taxmann 422***.

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

5. Both the appeals are dismissed. No orders as to costs.

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