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IN THE HIGH COURT OF DELHI AT NEW DELHI

ITA 515/2017

PR COMMISSIONER OF INCOME TAX -1 Appellant
Through: Mr Rahul Kaushik, Senior Standing
Counsel

versus

ALCATEL LUCENT INDIA LTD. Respondent
Through: Mr Himanshu Sinha and Mr Manan
Jain, Advocates

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE PRATHIBA M. SINGH

ORDER
18.07.2017

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1.This is an appeal by the Revenue against the order dated 24th August, 2016 passed by the Income Tax Appellate Tribunal ('ITAT') in ITA No. 6856/Del/2015 for the Assessment Year ('AY') 2011-2012.

2.The question urged by the Revenue is whether the ITAT erred in directing the TPO to exclude M/s. E-Infochips Ltd., M/s. Larsen & Toubro Ltd., M/s. Persistent Systems Ltd., M/s. Infosys Limited, Saxo India Ltd. and Zylog Ltd. from the list of comparables for the purposes of determination of the arms length price of the international transaction on account of functional dissimilarity when compared with the Assessee?

3. Having heard the learned counsel for the parties, the Court find that the ITAT has assigned clear and cogent reasons that the above entities should

be excluded from the list of comparables. The findings are factual and based on proper analysis and does not give rise to any substantial question of law.

4. The appeal is accordingly dismissed, but in the circumstances, no orders as to costs.

S.MURALIDHAR, J

PRATHIBA M. SINGH, J

JULY 18, 2017

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