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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ **ITA 742/2017**

PR.COMMISSIONER OF INCOME TAX-08 ..... Appellant
Through: Mr. Zoheb Hossain, Sr. Standing Counsel with Mr.Deepak Anand, Advocate

versus

SOJITZ INDIA PRIVATE LTD. ..... Respondent
Through: Mr. Vineet Sinha, Advocate

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE PRATHIBA M. SINGH

O R D E R

% **04.09.2017**

1. This is an appeal by the Revenue against the order dated 13th December, 2016 passed by the Income Tax Appellate Tribunal ('ITAT') in ITA No.1195/Del/2014 for the Assessment Year 2006-07.

2. The question of law urged by the Revenue pertains to inclusion and exclusion of comparables for determining the arms length price (ALP) for the purpose of transfer pricing adjustment arising out of the international transactions entered into by the Assessee with its Associated Enterprise.

3. A perusal of the impugned order of the ITAT reveals that the ITAT gave detailed reasons in support of its conclusions. Learned counsel for the Revenue has urged that the reasons given by ITAT are incomplete inasmuch as out of the several grounds in support of the conclusions reached by the Dispute Resolution Panel (DRP), the ITAT has discussed only one ground.

It is accordingly submitted that the conclusions of the ITAT in respect of each of the comparables are perverse.

4. This Court finds that neither in the questions of law as urged by the Revenue nor in the grounds in the memorandum of Appeal is there a specific plea that the conclusions of the ITAT are perverse. In any event, the ground of perversity is not to be casually urged. It has to be supported by a proper pleading which again has to be on the basis of a detailed study of the impugned order of the ITAT pointing out to the High Court in what manner the ITAT's conclusions can be said to be perverse. This condition is not met in the present case. Incidentally, even the word 'perversity' has not been used anywhere in the questions of law or in the grounds urged before the Court.

5. The exclusion and inclusion of comparables is by and large an exercise of analysis of facts. If there has to be a substantial question of law framed on such an issue, the Revenue should come up with a proper plea based on a detailed study of the impugned order of the ITAT. This Court is therefore not persuaded in the present case to hold that any substantial question of law has arisen for consideration from the impugned order of the ITAT.

6. The Appeal is accordingly dismissed.

S. MURALIDHAR, J.

PRATHIBA M. SINGH, J.

SEPTEMBER 04, 2017/pk