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

\+ ITA 1117/2017 C.M. No.44230/2017.

PR COMMSIONER OF INCOEM TAX ..... Appellant

Through: Mr. Zoheb Hossain, Advocate.

versus

B.C. MANAGEMENT SERVICES PRIVATE LIMITED. ..... Respondent

Through: None.

CORAM:
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE SANJEEV SACHDEVA

O R D E R

% 05.12.2017

1. The Revenue in its appeal in AY 2013 urges the following questions of law:-

> "1. *Whether the exclusion of four comparables i.e. e-Clerx Pvt. Ltd., M/s ICRA Techno Analytics Ltd., M/s TCS E-Serve Ltd. and M/s Accentia Technologies Pvt. Ltd., are sustainable and not erroneous?"*
>
> 2. *Whether the findings of the ITAT with respect to foreign exchange gain and the manner of its treatment as part of Operating Income for ALP determination, is correct and is justified?*
>
> 3. *Whether the exclusion of the Transfer Pricing adjustment made by the TPO, added notional interest on delay in receipt of payment of Associated Enterprises (AE) was justified?"*

2. This Court notices that identical questions were urged for AY 2011-2012, by the Revenue in *Pr. Commissioner of Income Tax vs. B.C. Management Services Pvt. Ltd.* (ITA 1064/2017 & ITA 1083/2017) decided on 28.11.2017, when those appeals were dismissed; the exclusion of the comparables and revenue in respect of foreign exchange gain and on the issue of notional interest the arguments of the Revenue were rejected.

3. No substantial question of law arises in this appeal as well for those reasons. The appeal is, consequently, dismissed.

S. RAVINDRA BHAT, J

SANJEEV SACHDEVA, J

DECEMBER 05, 2017
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