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

INCOME TAX APPEAL NO.818 OF 2016

The Principal Commissioner of Income Tax-6 .. Appellant
v/s.
M/s. CEAT Ltd. .. Respondent

Mr. A.R. Malhotra with Mr. N.A. Kazi for the Appellant.
Mr.Atul Jasani for the Respondent.

CORAM : AKIL KURESHI &
M.S. SANKLECHA, J.J.
DATE : DECEMBER 10, 2018.

P.C.:-

1. This appeal under Section 260 of the Income Tax Act, 1961 (the Act) challenges the order dated 31st July, 2015 passed by the Income Tax Appellate Tribunal (the Tribunal). The impugned order relates to Assessment Year 2007-08.

2. The Revenue has urged the following substantial question of law for our consideration :

> "Whether on the facts and circumstances of the case and in law, the Tribunal is justified in holding that the unabsorbed depreciation pertaining to A.Y. 1997-98 to A.Y. 2001-02 was allowable to be carried forward and adjusted

> after the lapse of eight assessment years in view of section 32(2) as amended by the Finance Act, 2001?”

3. Mr. Malhotra, learned Counsel appearing for the Revenue very fairly states that the issue raised herein stands concluded against the Revenue and in favour of the respondent assessee by the decision of this Court in **CIT cit Vs. Hindustan Unilever Ltd. (2017) 394 ITR 73**. It is further pointed out that being aggrieved by the order of this Court in the case of **Hindustan Unilever Ltd. (supra)**, the Revenue had filed an SLP to the Supreme Court and the same also stands dismissed reported as **CIT Vs. Hindustan Unilever Ltd. 2018 (99) Taxmann.com 135**.

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

5. The appeal is dismissed. No order as to costs.

(M.S. SANKLECHA, J.) **(AKIL KURESHI, J.)**