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

INCOME TAX APPEAL NO. 184 OF 2016

The Pr. Commissioner of Income Tax-17 .. Appellant

v/s.

M/s. Vighnaharta Enterprises ..Respondent

Mr. Vipul Bajpayee for the appellant
None for the respondent

CORAM : M.S. SANKLECHA &
SANDEEP K. SHINDE, J.J.

DATED : 1st AUGUST, 2018.

P.C.

1. This Appeal under Section 260-A of the Income Tax Act, 1961 (the Act) challenges the order dated 7th January, 2015 passed by the Income Tax Appellate Tribunal (the Tribunal). This appeal relates to Assessment Year 2006-07.

2. The Revenue has urged the following substantial question of law :-

"Whether on the fact and in the circumstances of the case and in law, the Tribunal was justified to hold that the amendment introduced by the finance Act, 2010 in Section 40(a)(ia) is having retrospective effect?"

3. Mr. Bajpayee, learned Counsel appearing for the appellant Revenue very fairly points out that the issue now stands concluded against the Revenue by the decision of the Supreme Court in ***Commissioner of Income Tax Vs. Calcutta Export Company, 404 ITR 654***.

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

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

(SANDEEP K. SHINDE J.) **(M.S. SANKLECHA, J.)**