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

INCOME TAX APPEAL NO.563 OF 2016

The Pr.Commissioner of Income Tax-3, Pune. … Appellant
V/s.
Shri Amol K. Ashtekar … Respondent

WITH

INCOME TAX APPEAL NO.572 OF 2016

The Pr.Commissioner of Income Tax-3, Pune. … Appellant
V/s.
Smt. Radhika K. Ashtekar … Respondent

WITH

INCOME TAX APPEAL NO.584 OF 2016

The Pr.Commissioner of Income Tax-3, Pune. … Appellant
V/s.
Shri Atul K. Ashtekar … Respondent

Mr.Tejveer Singh for the Appellant.

CORAM : AKIL KURESHI AND
M.S.SANKLECHA, JJ.

DATE : NOVEMBER 26, 2018.

P.C.:-

1. These three appeals under Section 260A of the Income Tax Act, 1961 challenge the impugned order dated 30th December,

2014 passed by the Income Tax Appellate Tribunal. The common impugned order dated 30th December, 2014 disposed of the six appeals before it including these three appeals. All these appeals relate to Assessment Year 1999-2000.

2. The Revenue urges the following question of law for our consideration:

> "Whether the Income Tax Appellate Tribunal was correct on facts and in the circumstances of the case and in law in not following the decision of the Hon'ble Supreme Court of India in case of CIT Vs.Poddar Cements (1997) 226 ITR 625 wherein it was held that capital gains will arise on the date of transfer of capital asset?"

3. Mr.Tejveer Singh, learned counsel appearing for the Revenue very fairly points out that the common impugned order dated 30th December, 2014 of the Tribunal also allowed the appeal of one Mr.Vipul Krishna Ashtekar on reasons common even to these three appeals. Being aggrieved by the above order, the Revenue preferred an appeal to this Court being Income Tax Appeal No.209 of 2016 (**The Pr. Commissioner of Income Tax-3, Pune Vs. Shri Vipul Krishna Ashtekar)**. The above appeal was

dismissed by this Court on 18th July, 2018.

4. Therefore, for the reasons indicated in our order dated 18th July, 2018 passed in the case of Shri Vipul Krishna Ashtekar (supra) the question as pressed does not give rise to any substantial question of law. Thus not entertained.

5. Accordingly, all the three appeals are dismissed.

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

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