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

INCOME TAX APPEAL NO. 179 OF 2016

The Pr. Commissioner of Income Tax-2 .. Appellant

v/s.

Central Bank of India ..Respondent

Mr. Suresh Kumar a/w Ms. Swapna Gokhale for the appellant
Mr. Madhur Agarwal I/b Mr. Tejas Shah 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 16th April, 2015 passed by the Income Tax Appellate Tribunal (the Tribunal). This appeal relates to Assessment Year 1989-90.

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

"Whether on the facts and in the circumstances of the case and in law, the Tribunal was justified in holding that the interest portion of the refund issued earlier has to be ignored for the purpose of

calculating interest u/s 244A of the Income Tax Act, 1961?

3. Mr. Suresh Kumar, 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 ***Commissioner of Income Tax Vs. M/s. Tata Power Co. Ltd.*** (Income Tax Appeal No.1560 of 2013), decided on 7th July, 2015.

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.)**