R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

INCOME TAX APPEAL (IT) NO. 438 OF 2016

Pr. Commissioner of Income Tax - 12 .. Appellant

Versus

M/s. ARC Construction Pvt Ltd .. Respondent

....

- Mr. Vipul Bajpayee for the Appellant

....

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

DATE : NOVEMBER 19, 2018.

P.C.:

1. The Revenue has filed this appeal challenging an order of the Income Tax Appellate Tribunal, Mumbai dated 25.5.2015. The sole question urged by the Revenue is whether Tribunal is right in holding that the amendment in Section 40(a)(ia) of the Income Tax Act, 1961 is retrospective in its effect. The several High Courts including Delhi, Calcutta and Gujrat High Court had taken a view against the Revenue. We have also now the judgment of the Supreme Court in the case of **Commissioner of Income Tax Vs. Calcutta Export Company** reported in **[2018]404 ITR 654 (SC)** holding that the such amendments are to be treated as having retrospective operation. We additionally noticed that the Tribunal has in present order relied upon the decision of the Delhi High Court in the case of **Commissioner of Income Tax Vs. Rajinder Kumar** reported in **362 ITR 241** which judgment has been specifically upheld by the Supreme Court in the case of Calcutta Export Company (supra). The Income Tax Appeal is, therefore, dismissed.

[M.S. SANKLECHA, J.] **[AKIL KURESHI, J]**