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

INCOME TAX APPEAL NO.742 OF 2016

Pr.Commissioner of Income Tax-2 … Appellant

V/s.

Bank of India … Respondent

Mr.Suresh Kumar for the Appellant.
Mr.Subhash Shetty for the Respondent.

CORAM : AKIL KURESHI AND
M.S.SANKLECHA, JJ.
DATE : DECEMBER 10, 2018.

P.C.:-

1. This Appeal under Section 260-A of the Income Tax Act, 1961 (the Act), challenges the order dated 26th March, 2015 passed by the Income Tax Appellate Tribunal (the Tribunal). This Appeal relates to Assessment Year 2003-04.

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

"Whether, on the facts and circumstances of the

> case, the Tribunal is justified in holding that the assessee shall be entitled to interest under Section 244A of the Income Tax Act, 1961 in respect of excess self assessment tax paid?"

3. We find that the impugned order dated 26th March, 2015 of the Tribunal has held that the respondent-assessee is entitled to interest under Section 244A of the Act on the excess self assent tax paid by him, from the date of payment till refund. This by following the decision of this Court in **Stock Holding Corporation of India Ltd. V/s N.C.Tewari, Commissioner of Income Tax & Others**[1] and the order dated 22nd December, 2014 of the Coordinate bench of the Tribunal in respect of the same respondent–assessee for the assessment year 2003-04.

4. We are informed that the Revenue being aggrieved by the order of the Tribunal for assessment year 2003-04 filed an appeal to this court being Income Tax Appeal No.1249 of 2015. This was dismissed on 4th April, 2018 by the Division Bench of this Court following the decision of this Court in **Stock Holding Corporation of India Ltd.(supra).**

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5. In the above circumstances, the proposed question does not give rise to any substantial question of law. Thus, not entertained.

6. Accordingly, Appeal dismissed. No order as to costs.

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

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