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

INCOME TAX APPEAL NO.858 OF 2016

Commissioner of Income Tax (Exemption)
Mumbai .. Appellant

v/s.

Mandar Education Society .. Respondent

Mr. Sham Walve a/w Ms. Padma Divakar for the appellant
Mr. Tejesh Dande a/w Ms. Bharati Gadhavi I/b Tejesh Dande & Associates for the respondent

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

DATED : 11th DECEMBER, 2018.

P.C.

1. This Appeal under Section 260-A of the Income Tax Act, 1961 (the Act) challenges the order dated 7th May, 2015 passed by the Income Tax Appellate Tribunal (the Tribunal). This appeal relates to Assessment Year 2008-09.

2. The Revenue urges following questions of law for our consideration :-

> *"Whether on the facts and circumstances of the case and in law, the Tribunal erred in allowing the appeal of the assessee on account of disallowing depreciation on fixed assets for A.Y. 2008-09 of Rs.1,12,76,776/- ?*

3. Mr. Walve, learned Counsel appearing in support of the appeal very fairly states that the impugned order of the Tribunal while dismissing the Revenue's appeal relied upon the ***CIT Vs. Institute of Banking Personnel Services, 264 ITR 110.*** The view of this Court in the above case has been upheld by the Supreme Court in case of ***Commissioner of Income Tax Vs. Rajasthan and Gujarati Charitable Foundation (2018) 402 ITR 441***.

4. Thus, as the issue stands concluded by the decision of the Apex Court, 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.

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