IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.06.2018

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THE HONOURABLE MR. JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

T.C.(A). No.258 of 2010

The Commissioner of Income Tax I,
Coimbatore. .. Appellant

vs.

M/s.Soliton Technologies Private Limited,
1547, Classic Tower, Trichy Road,
Coimbatore - 641 018. .. Respondent

Appeal filed under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal "D" Bench, Chennai dated 11.09.2009 passed in I.T.A.No.1055/Mds/2007. Appeal against the order passed by the Commissioner of Income Tax (Appeals)-I, Coimbatore dated 5.2.2017 Appeal No.258/06-07 for the Assessment year 2004-05, against the order passed by the Income Tax Officer, Company Ward-1, Coimbatore, dated 31.10.2006 Pan/G112 No.AAECS6257N for the Assessment year 2004-2005.

For Appellant : Mr.T.R.Senthil Kumar
and Mr.S.Rajesh

For Respondent : Mr.M.P.Senthil Kumar
for M/s.Philip George

JUDGMENT
(Judgment of the Court was delivered by M.M.SUNDRESH, J.)

The Revenue is on appeal by raising the following substantial questions of law in respect of the assessment year 2006-2007:

"1.Whether on the facts and in the circumstances of the case, the Income Tax Appellate Tribunal was right in law in directing the Assessing Officer to exclude the expenses incurred in foreign exchange by the assessee and regarding the foreign branch from the total turnover while computing the deduction under Section 10-A of the Income Tax Act, 1961 is valid?

2.Whether on the facts and in the circumstances of the case, the Income Tax Appellate Tribunal was right in law in holding that the expenses incurred in foreign exchange by the assessee and regarding foreign branch from the total turnover while computing deduction under Section 10-A of the Income Tax Act, 1961, even though the provisions of explanation 2(iv) of Section 10-A squarely apply to the facts of the case?

2.Heard the learned counsel appearing for the appellant and the learned counsel appearing for the respondent.

3.Learned counsel appearing for the parties submit that the above questions are decided against the Revenue by the Apex Court in Commissioner of Income Tax Vs. HCL Technologies Limited ((2018) 165 DTR Judgments).

4.In such view of the matter, this Tax Case Appeal is dismissed. No costs.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To
1. The Income Tax Appellate Tribunal, "D" Bench, Chennai.
2. The Commissioner of Income Tax (Appeals)-1, Coimbatore.
3. The Income Tax Officer, Company Ward, Coimbatore.
+ 1 cc to Mr. T.R. Senthilkumar, Advocate Sr.39394
+ 1 cc to Dhilip George, Advocate Sr.39491

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SSI(CO)
EU(10/07/2018)