

**THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE P. KESHAVA RAO**

I.T.T.A. No. 324 OF 2003

ORDER: (per the Hon'ble Sri Justice Sanjay Kumar)

This appeal by the Revenue under Section 260A of the Income-tax Act, 1961 (for short, "the Act of 1961"), seeks to raise the following question of law for consideration:

"Whether the appellate Tribunal is justified in holding that the assessee is entitled to interest under Section 244A of the Income-tax Act on the refundable interest component?"

It is now brought to our notice that in relation to the very same assessee, Skoda Export Company Limited, the Revenue filed I.T.A.No.55/V/2000 before the Income Tax Appellate Tribunal, Visakhapatnam Bench in the context of the assessment year 1991-92 questioning the entitlement of the said assessee to interest under Section 244A of the Act of 1961 on the refund of the excess amounts paid by way of interest under Section 234B of the Act of 1961. By order dated 13.03.2008, the Visakhapatnam Bench of the Tribunal held against the Revenue, following the judgments in **Ambat Echukutty Menon¹**, **Sardar Balwant Sing Gujral²** and **Needle Industries (P) Limited³**.

Sri K. Raji Reddy, learned senior standing counsel for the Revenue, fairly states that the aforestated order passed by the Tribunal attained finality as no further appeal was preferred by the Revenue before this Court.

In the light of the fact that the Revenue accepted the decision of the Tribunal on the very same question of law which is now sought to be raised in the case of the same assessee, we are not inclined to entertain this appeal.

The appeal is accordingly dismissed on this short ground. No costs.

Pending miscellaneous applications, if any, shall also stand dismissed.

SANJAY KUMAR, J

P. KESHAVA RAO, J

Date: 30.01.2018
ES/CCM

¹ 173 ITR 581 Ker.

² 86 CTR 64 M.P.

³ 233 ITR 370 (Mad)