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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ ITA 807/2017

PR. COMMISSIONER OF INCOME TAX-9 ..... Appellant

Through: Mr. Sanjay Kumar with Mr. Deepak Anand, Jr. Standing Counsel.

versus

M/S W N S MORTGAGE SERVICES PVT LTD. ..... Respondent

Through: Mr. Mayank Nagi, Advocate.

CORAM:
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE A. K. CHAWLA

O R D E R

% **30.01.2018**

The question of law urged is whether the activity of the assessee in providing call centre services to its principals is eligible for deduction under Section 10A of the Income Tax Act, 1961. The Assessing Officer initially brought to tax but denied the benefit under Section 10A holding that call centre services did not amount to export of software. The CIT (A) accepted the assessee's contention that software services were covered by virtue of Explanation 2 (b) to Section 10A. The CBDT's Notification No.890 (E) issued on 26.09.2000 expressly notifies call centres as activities covered by the Explanation.

Having regard to these facts, the ITAT confirmed the order of the CIT (A).

This Court has considered a similar issue in *CIT v. Kiran Kapoor*, 372 ITR 321 (Del.). Likewise in respect of the same assessee for the subsequent year - AY 2007-08 - the Court confirmed the view of the ITAT (ITA 91/2018, dated 29.01.2018). The Court is also cognizant of Section 10A, particularly Explanation 2, which in its material particulars define computer software as follows: -

> *(a) Any computer program recorded on any disc, tape, perforated media or other information storage device or"*
>
> *(b) Any customized electronic data or any product or service of similar nature.*

In the above view of the matter, no substantial question of law arises; the appeal is, therefore, dismissed.

The date previously fixed is hereby recalled/cancelled.

S. RAVINDRA BHAT, J

A. K. CHAWLA, J

JANUARY 30, 2018
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