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

INCOME TAX APPEAL NO.951 OF 2016

The Pr. Commissioner of Income Tax-5 .. Appellant

v/s.

Mercedes Benz India Ltd. .. Respondent

Mr. Tejveer Singh for the appellant
Mr. Nishant Thakkar a/w Ms. Jasmine Amalsadvala I/b PDS Legal for the respondent

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

DATED : 21st JANUARY, 2019

P.C.

1. This Appeal under Section 260-A of the Income Tax Act, 1961 (the Act) challenges the order dated 31st July, 2015 passed by the Income Tax Appellate Tribunal (the Tribunal). This appeal relates to Assessment Year 2006-07.

2. Mr. Tejveer Singh, learned Counsel in support of the appeal urges only the following question of law for our consideration:-

(i) Whether on the facts and in the circumstances of the case and in law, the Tribunal was justified in not appreciating that

unabsorbed depreciation loss pertaining to A.Y.s 1997-98 to 2000-01 could not be carried forward beyond 08 years following the year when it was first determined as per the provisions of Sec. 72 r.w.s. 32 of the I.T. Act (prior to AY 2002-03) when in the present case unabsorbed depreciation loss pertaining to Ays 1996-97 and 1997-98 ?

3. Mr. Tejveer Singh, learned Counsel for the Revenue very fairly states that the issue urged herein stands concluded by the decision of this Court in ***CIT Vs. Hindustan Unilever Ltd. (2016) 72 taxmann.com 325*** in favour of the respondent assessee and against the appellant Revenue.

4. In view of the fact that the question as proposed stands concluded by the decision of this Court in *Hindustan Unilever Ltd.* (supra), the proposed question does not give rise to any substantial question of law. Thus, not entertained.

5. Accordingly, the appeal is dismissed. No order as to costs.

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