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

INCOME TAX APPEAL NO.1663 OF 2016

Pr.Commissioner of Income-Tax, Central-3. … Appellant

V/s.

M/s Caprihans India Ltd. … Respondent

Mr.N.C.Mohanty for the Appellant.
Mr.Atul Jasani for the Respondent.

CORAM : AKIL KURESHI AND
SANDEEP K.SHINDE, JJ.
DATE : JANUARY 28, 2019.

P.C.:-

1. Revenue has filed this appeal against the judgment of the Income Tax Appellate Tribunal dated 30th September, 2015.

2. Counsel for the parties point out that identical issue in case of very assessee for earlier assessment year came up for consideration in Income Tax Appeal No.1251 of 2016 and connected appeals. Those appeals were dismissed by order dated 4th January, 2019 making following observations:-

"1. These appeals are filed by the revenue and arise out of common background. We may notice question framed in Tax Appeal No.1251 of 2016, which reads as under :-

> "Whether on the facts and in the circumstances of the case and in Law the ITAT was correct in holding that completed assessment could not be abated unless some incriminating evidence or material was found during search qua the additions made by the A.O. relying on the decision in M/s All Cargo Global Logistics Ltd. (374 ITR 645) 2015, and yet considered, on merits as well, the issues of interest due from parties, admissibility of Chapter VI A deduction, charges of realization of noncore assets etc., thereby handing out a contradictory decision?"

2. It is an undisputed position that the issue is covered by the judgment of Division Bench of this Court in case of **Commissioner of Income-Tax Vs. Continental Warehouisng Corporation (Nhava Sheva) Ltd. and anr.**[1]. In such judgment the view of the High Court was that only undisclosed income and undisclosed assets detected during search could be brought to tax in relation to these years for which the notice under section 153A of the Income Tax Act, 1961 has been issued.

3. Under the circumstances, tax appeals are dismissed."

3. In the result, the present appeal also dismissed.

(SANDEEP K.SHINDE,J.) **(AKIL KURESHI,J.)**

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1 (2015)374 ITR 645(Bom)