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

INCOME TAX APPEAL NO. 1616 OF 2016

The Pr. Commissioner of Income Tax-1 .. Appellant
v/s.
Mahalaxmi Infra Projects Ltd. .. Respondent

Mr. N.N. Singh for the appellant
Mr. Mihir Naniwadekar I/b Alisha Pinto for the respondent

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

DATED : 30th JANUARY, 2019

P.C.

1. The Revenue has filed this appeal to challenge the judgment of the Income Tax Appellate Tribunal ("the Tribunal" for short) raising following substantial question for our consideration :-

> *"(i) Whether on the facts and in the circumstances of the case and in law, the Tribunal was right in deleting the additions made by the AO on account of undervaluation of WIP for income earned by way of security deposit against material cost u/s 153A?"*

2. This question relates to the additions made by the Assessing Office while passing order under Section 153A of the Income Tax Act, 1961. The Tribunal by the impugned judgment held that there was no

incriminating material found during the search in relation to the additions and the Tribunal, therefore, correctly deleted such additions. In the result, this question is not entertained.

3. The Income Tax appeal is dismissed.

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