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

INCOME TAX APPEAL NO.10 OF 2017
WITH
INCOME TAX APPEAL NO.11 OF 2017

Pr.Commissioner of Income-Tax-7 … Appellant

V/s.

Premier Finance & Trading Co. Ltd. … Respondent

Mr.Suresh Kumar for the Appellant.
Mr.Jay Bhansali for the Respondent.

CORAM : AKIL KURESHI AND
M.S.SANKLECHA, JJ.
DATE : MARCH 6, 2019.

P.C.:-

1. Issues being identical, we may notice facts from Appeal No. 1832 of 2016.

2. Revenue has filed these appeals against the judgment of the Income Tax Appellate Tribunal raising following question for our consideration:-

> "Whether on the facts and circumstances of the case, the Tribunal is justified in dismissing the revenue's appeal against the CIT(A) decision in

> directing the Assessing Officer to recompute the disallowance u/s 14A of the I.T.Act, 1961 on a proportionate basis?”

3. The issue relates to the respondent-assessee for the assessment years 2002-03 and 2005-06 respectively and concerns the applicability of Section 14A of the Income Tax Act, 1961 (“the Act” for short). Perusal of the impugned judgment of the Tribunal would show that the Tribunal had in this respect upheld the order of the CIT (Appeals) directing the Assessing Officer to recompute the disallowance on proportionate basis. Learned counsel for the revenue submitted that the CIT (Appeals) had placed the matter back before the Assessing Officer for recomputation of disallowance. That being the position, we do not find the error in view of the Tribunal, not interfering the order of the CIT (Appeals). No question of law arises. Tax appeals are dismissed.

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

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