R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

INCOME TAX APPEAL NO. 162 OF 2017

Commissioner of Income Tax (IT)-2 .. Appellant

Versus

M/s. Hongkong and Shanghai Banking Corporation Ltd .. Respondent

....

- Mr. Tejveer Singh for the Appellant
- Mr. Percy Pardiwalla, Sr. Counsel a/w Mr. Niraj Sheth i/by Kanga & Co for the Respondent

....

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

DATE : MARCH 4, 2019.

P.C.:

1. Revenue is in the appeal against the judgment of the Income Tax Appellate Tribunal ("the Tribunal" for short). Following question is presented for our consideration:-

> " Whether on the facts and in the circumstances of the case and in law, the Tribunal erred in concurring with the decision of CIT(A) while deleting the addition made by the Assessing Officer on NRI Mobilization expenses of Rs. 4,31,98,998/- on the basis of decision of this Court in case of Emirates Commercial Bank Ltd, 262 ITR 55 ignoring that the facts of that case were entirely different from the present case, which have been ignored while deciding the issue. The Tribunal failed to follow the ratio in case of CIT Vs. Jansamparak Advertising &

Marketing Pvt Ltd 56 taxmann.com 286 (Dehi) dated 11.3.2015?"

2. Learned counsel for the parties pointed out that similar issue has come up before this Court in the case of this very assessee in Income Tax Appeal Nos. 1560 of 2016 and 1561 of 2016. Both these petitions were dismissed by two separate orders dated 6.2.2019. Hence, this question, therefore, does not arise. The appeal is dismissed.

[M.S. SANKLECHA, J.] **[AKIL KURESHI, J]**