R.M. AMBERKAR
(Private Secretary)

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

INCOME TAX APPEAL NO. 911 OF 2017

Pr. Commissioner of Income Tax -1 .. Appellant

Versus

The Cricket Club of India .. Respondent

....

- Mr. Suresh Kumar a/w Ms. Swapna Gokhale & Ms. Sumandevi Yadav for the Appellant
- Mr. R. Murlidharan i/by Mr. Atul Jasani for the Respondent

....

CORAM : AKIL KURESHI &
S.J. KATHAWALLA, JJ.

DATE : JUNE 6, 2019.

P.C.:

1. The Revenue is in the appeal against the judgment of the Income Tax Appellate Tribunal, Mumbai ("the Tribunal" for short) dated 21.3.2016.

2. The following question is presented for our consideration:-

> " Whether on the facts and circumstances of the case and in law, the Tribunal was correct in deleting the disallowance of Rs. 33,34,130? u/S. 14A, holding that the Assessing Officer should examine the matter on this issue on reasonable basis?"

3. The issue pertains to disallowance of expenditure incurred for earning exempt income in terms of Section 14A of the Income Tax Act, 1961 ("the Act" for short). The assessing officer had applied Rule 8D in relation to the assessment year 2004-05. CIT(A) held that the said Rule does not have retrospective applicability but remanded the issue for the Assessing Officer to make a reasonable disallowance. The Tribunal confirmed this view. This aspect is squarely covered by the decision of this Court in case of **Godrej & Boyce Mfg Co Ltd Vs. CIT**[1] . In that view of the matter, this appeal is also dismissed.

[S.J. KATHAWALLA, J.] **[AKIL KURESHI, J]**

1 (2010) 328 ITR 81 (Bom)