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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ **ITA 333/2019**

PR. COMMISSIONER OF INCOME TAX- 2, DELHI..... Appellant
Through: Mr.Ajit Sharma, Sr. Standing Counsel with Ms.Adeeba Mujahid, Advocate.

versus

M/S CADENCE DESIGN SYSTEMS (I) PVT. LTD...... Respondent
Through: None.

**CORAM:**
**JUSTICE S.MURALIDHAR**
**JUSTICE TALWANT SINGH**

**O R D E R**

% **06.08.2019**

**CM APPL. 15152/2019(delay)**

1. The delay of 115 days in re-filing the appeal is condoned and the application is allowed.

**ITA 333/2019**

2. The Assessee is in appeal against an order dated 6th March 2018 passed by the ITAT in ITA 6315/Del/2015 for the Assessment Year (AY) 2011-12.

3. The issue is sought to be urged by the Revenue is regarding exclusion of M/s.Infosys Ltd., M/s.E-Inforchips Ltd., E-Zest Solutions Ltd. and EClerx Services Ltd. as comparables for the

transfer pricing exercise.

4. This Court has in a recent judgment dated 24th July 2019 in ITA 532 of 2019 (***M/s.Avaya India Pvt. Ltd. v. ACIT***) discussed the issue in sufficient detail and held in favour of the Assessee in that case.

5. The Court is accordingly of the view that the impugned order of the ITAT is consistent with the settled legal position and does not call for any interference. No substantial question of law arises. The appeal is dismissed.

**S. MURALIDHAR, J.**

**TALWANT SINGH, J.**

**AUGUST 06, 2019**

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