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

INCOME TAX APPEAL (IT) NO.415 OF 2018

Pr. Commissioner of Income-Tax-1 ... Appellant
V/s.
SBI Life Insurance Company Ltd. ... Respondent

Mr.Suresh Kumar, Advocate for the Appellant.
Mr.F.V.Irani with Mr.Atul Jasani, Advocate for the Respondent.

CORAM : UJJAL BHUYAN &
MILIND N. JADHAV, JJ.
DATE : MARCH 2, 2020

P.C.:-

1. Heard Mr.Suresh Kumar, learned standing counsel revenue for the appellant and Mr.Irani, learned counsel for the assessee/respondent.

2. This appeal is preferred by the revenue under Section 260A of the Income Tax, 1961 (briefly "the Act" hereinafter) against the order dated 23rd December, 2016 passed by the Income Tax Appellate Tribunal, Mumbai Bench "E", Mumbai ("The Tribunal" for short) in Income Tax Appeal No.2863/Mum/2015 for the assessment year 2010-11.

3. The appeal has been preferred projecting the following as substantial question of law:-

> "(i) Whether on the facts and in the circumstances of the case and in law, the

Commissioner of Income Tax (A) was justified in deleting the addition made by the AO on the exemption of income from pension fund u/s 10(23AAB) and that the income from Pension Fund does not form part of the total income of the Assessee u/s 10(23AAB) of the Income Tax Act, 1961?"

4. We find that this issue has been decided by this court in favour of the assessee and against the revenue in **CIT Vs. LIC of India (338 ITR 212)**.

5. In view of above, the appeal is dismissed.

(MILIND N. JADHAV, J.) **(UJJAL BHUYAN, J.)**

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