IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION

WRIT PETITION NO.8497 OF 2018

Business Process Outsourcing, LLC ...Petitioner
vs.
The Authority For Advance Rulings
(Income Tax), Mumbai and Another ...Respondents

Mr. Percy Pardiwala, Sr. Advocate a/w. Mr. Ashish Sodhani i/b. Nishith Desai Associates, for the Petitioner.
Mrs. Shehnaz Bharucha, for the Respondent Nos. 1 to 3.

CORAM : K.R. SHRIRAM &
N. J. JAMADAR, JJ.

DATE : MARCH 08, 2022

P.C.:

. Mr. Pardiwalla, for Petitioner seeks leave to withdraw the Petition in view of a message received on 17th February, 2022 received by Petitioner from the International Tax Ward-1(3)(2), Mumbai which is taken on record and marked “X” for identification. Mr. Pardiwalla further states that by order dated 22nd March, 2019 an amount of US Dollars 10 million was directed to be maintained in Escrow by Petitioner. Mr. Pardiwalla states in view of the communication dated 17th February, 2022 Petitioner be discharged of the obligation to maintain US Dollars 10 million in Escrow and Petitioner be permitted to withdraw the US Dollars 10 million. For case of reference message dated 17th February, 2022 is scanned and re-produced below:

X 1
8/3/2022

GOVERNMENT OF INDIA
MINISTRY OF FINANCE
INCOME TAX DEPARTMENT
OFFICE OF THE INCOME TAX
OFFICER
INT TAX WARD 1(3)(2), MUMBAI

To	
BUSINESS PROCESS OUTSOURCING LLC 1209 CORPORATION TRUST CENTRE,ORANGE STREET WILMINGTON DELAWARE 999999 FOREIGN United States	

PAN:	Assessment Year:	Dated:	DIN & Letter No:
AAJCB6907D	2012-13	17/02/2022	ITBA/COM/F/17/2021-22/1039842698(1)

Sir/ Madam/ M/s.

Subject: Online service of Orders - Letter

Sub: Request to withdraw notice issued and drop proceedings initiated under Section 201 of the Income tax Act, 1961 (the Act) for Assessment Year 2012-13 – reg –

Ref: Your e-mail dated 11th October, 2021

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Kindly refer to the above.

In view of the retrospective Taxation Laws (Amendment) Act 2021, the Government of India vide notification in Official Gazette dated 13th August, 2021, the show-cause notice issued u/s.201(1A) dated 25/01/2019 stands withdrawn.

ANITHA SATHYAPALAN
INT TAX WARD 1(3)(2), MUMBAI

(In case the document is digitally signed please refer Digital Signature at the bottom of the page)

2. Ms. Bharucha states that Respondents have no objection and relies on a message received by her yesterday 7th March, 2021 which is taken on record and marked "X1" for identification. The

said message for case of reference is scanned and reproduced below.

svbharucha@gmail,com

From:	mumbai.ito.it1.3.2 <mumbai.ito.it1.3.2@incometax.gov.in>
Sent:	07 March 2022 14:29
To:	svbharucha@gmail.com
Cc:	mumbai.addl.cit.it1.3
Subject:	BPO
Importance:	High

X-1

8/3/2022

7th March, 2021

To,

Ms. Bharucha

Sr. Standing Counsel

Sub: Business Process Outsourcing LLC A.Yr. 2012-13 – reg

Kindly refer to the above.

As per express request by the Sr. Standing Counsel, the following details have been given :-

It is a part of Master Merger Agreement(MMA) by which assessee has maintained Rs.10 million US Dollars for meeting its tax requirement on the transactions, if at all arises.

Subsequently, the Hon'ble Bombay High Court vide order dated 22nd March, 2019 directed to maintain this account and shall not withdraw the same.

A show-cause notice dated 25/01/2019 u/s 201 , was withdrawn by this office as per the retrospective taxation Laws amendment Act, 2021 vide notification in official gadget on 13 th August, 2021 and there is no tax liability on this transaction.

I have no objection, if they withdraw from ESCROW Account maintained specifically for discharging tax liability arising on this transaction.

Regards

3. In the circumstances, Petition dismissed as withdrawn.

4. Petitioner is discharged of its obligation to maintain US Dollars 10 million in Escrow account and permitted to withdraw the said amount together with interest, if any.

(N. J. JAMADAR, J.) **(K. R. SHRIRAM, J.)**