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

INCOME TAX APPEAL NO.114 OF 2024

Commissioner of Income Tax IT 4 ...Appellant
Versus
Trimble Solutions Corporation ...Respondent

Mr. Subir Kumar, for Appellant.

Mr. Divesh Chavla, i/b Mr. Atul K. Jasani for Respondent.

CORAM : M.S. Sonak &
Advait M. Sethna, JJ.

DATED : 3 December 2025

P.C.:-

1. Heard learned counsel for the parties.

2. Mr Subir Kumar urges admission of this Appeal on the questions referred to in paragraph 4 of the Appeal Memo. He submits that all these are substantial questions of law.

3. Mr Divesh Chavla, learned counsel for the Respondent submits that the issues raised in this Appeal are squarely covered by the decision of the Hon'ble Supreme Court in the case of **Engineering Analysis Centre of Excellence (P) Ltd. Vs. Commissioner of Income-Tax**[1]. He points out that this decision was followed by the Coordinate Bench of this Court in the **Commissioner of Income-tax (LTU) Vs. Reliance**

[1] (2021) 125 taxmann.com 42 (SC)

Industries Ltd.[2] and **Commissioner of Income-tax (IT-3) Vs. Lucent Technologies GRL LLC**[3]. Accordingly, he submits that no substantial questions of law would be involved in this Appeal.

4. Mr Subir Kumar, however, submits that the third question, which is formulated in the Memo of Appeal, certainly arises because the facts in this case are slightly different from the facts involved in **Engineering Analysis** (supra) or other decisions relied upon by Mr Chavla.

5. We have considered the rival contentions, and we are satisfied that the main issues raised in this Appeal are answered against the Revenue by the authoritative pronouncement of the Hon'ble Supreme Court in the case of **Engineering Analysis** (supra).

6. The Hon'ble Supreme Court has held that the amount paid by the Resident Indian end-users/distributions to non-resident computer software manufacturers/suppliers, as consideration for the resale/use of the computer software through EULAs/distribution agreements, is not the payment of royalty for the use of copyright in the computer software, and that the they do not give rise to any income taxable in India.

7. The distinction on facts, now sought to be made by Mr Subir Kumar, does not in any manner alter the basic proposition now settled by the Hon'ble Supreme Court.

2 (2024) 164 taxmann.com 10 (Bombay)

3 (2024) 164 taxmann.com 703 (Bombay)

Besides, we find that the factual distinction which is now sought to be made was never made before the ITAT. Therefore, even on this ground, we do not think that the third question referred to in the Appeal Memo could be said to be involved in this Appeal.

8. Therefore, by following **Engineering Analysis** (supra) and the other decisions referred to by Mr Chavla cited (supra), we dismiss this Appeal as involving no substantial questions of law.

9. No costs.

(Advait M. Sethna, J) **(M.S. Sonak, J.)**