

Sequeira

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

INCOME TAX APPEAL NO. 1382 OF 2013.

Commissioner of Income Tax 7, Mumbai. .. Appellant
Vs.
M/s Schmetz India Pvt. Ltd., Mumbai. .. Respondent

Mrs.S.V.Bharucha, for Appellant.
Mr.F.V.Irani, i/b Mr.Atul Jasani, for Respondent.

**CORAM: M.S.Sanklecha
& N.M.Jamdar, JJ.
Wednesday 24 June, 2015**

P.C. :

This Appeal has been filed by the Revenue under Section 260-A of the Income-tax Act, 1961 challenging the order dated 30 November 2012 passed by the Income Tax Appellate Tribunal (the Tribunal) for the Assessment year 2005-2006.

2 Ms Bharucha, learned counsel appearing for the Revenue urges the following questions of law for our consideration.

“(a) Whether on the facts and circumstances of the case and in law the Tribunal was justified in coming to the conclusion that there was nothing on record to show that the profits arrived at by the assessee in respect of the 10A unit carrying on the business of manufacturing industrial sewing machine needles was not in the normal course of its business and that the abnormally high profit was due

to extraordinary arrangement between the assessee and the German company entered into only with a view to boost the profits of the assessee and therefore allowing deduction of Rs.20,53,26,910/-?

(b) Whether on the facts and the circumstances of the case and in law the Tribunal was justified in holding that there was no material available with the assessing officer to estimate the profits of the 10A unit eligible for deduction invoking the provisions of section 80IA(10) read with section 10A(7) of the Act was based on proper and reasonable appraisal of the material available on record?"

3 The impugned order of the Tribunal has followed its own order in respect of the same Assessee for Assessment year 2004-2005 and the decision of this Court Appeal No.4508 of 2010 rendered on 4 September 2012 upholding the above order of the Tribunal for Assessment year 2004-2005. In the circumstances, it is an agreed position that the questions as proposed do not give rise to any substantial question of law.

Accordingly appeal is dismissed. No order as to costs.

(N.M.Jamdar, J.)

(M.S.Sanklecha, J.)