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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INCOME TAX APPEAL NO.1261 OF 2007

The Commissioner of Income Tax

..Appellant

Vs.

M/s.Datamatics Financial Software and Services Ltd.

..Respondent

Mr.Suresh Kumar for appellant.

Mr.A.K.Jasani for respondent.

CORAM :- V.C.DAGA &
J.PDEVADHAR, JJ.

DATE : 8TH SEPTEMBER, 2009

P.C.

1. Heard learned Counsel for the parties.

This appeal was admitted on the following substantial question of law.

Whether the learned ITAT is right in directing the Assessing Officer to allow deduction under Section 80IA to the assessee ?

2. Learned Counsel for both the parties fairly state that the issue involved in the appeal is squarely covered by the judgment of the Apex Court in the case of CIT Vs. Peerless Consultancy and Services (P) Ltd. 248 ITR 178, wherein Section 32A of the Finance Act, 1981 and Section 2(7)(c) was involved. The same analogy would be applicable to the concept of Section 80 IA. The very same judgment of the Apex Court has been followed by this Court in the case of CIT Vs. Technotive Eastern (Pvt.) Ltd. (2002) 255 ITR 253.

3. Needless to mention that the Tribunal has followed the impugned order for the subsequent A.Y., which has been accepted by the Revenue since no challenge was set up.

4. In the above circumstances, the appeal is devoid of any substance. The appeal is, thus, dismissed with no order as to costs.

(J.P.DEVADHAR, J.)

(V.C.DAGA, J.)