

IN THE INCOME TAX APPELLATE TRIBUNAL
BANGALORE BENCH 'A', BANGALORE

BEFORE SHRI. ABRAHAM P. GEORGE, ACCOUNTANT MEMBER

AND

SHRI. VIJAY PAL RAO, JUDICIAL MEMBER

I.T.A No.1036/Bang/2015
(Assessment Year : 2009-10)

Deputy Commissioner of Income tax,
Circle -4(1)(1), Bangalore

.. Appellant

v.

M/s. Jaipuria Silk Mills P. Ltd,
No.43, Gudahatti Main Road, Nerlur Post,
Anekal Taluk, Bangalore 562107
PAN : AAACJ9390D

.. Respondent

Assessee by : Shri. Ganeriwala, CA
Revenue by : Dr. P. K. Srihari, Addl. CIT

Heard on : 10.02.2016
Pronounced on : 19.02.2016

ORDER

PER ABRAHAM P. GEORGE, ACCOUNTANT MEMBER :

In this appeal filed by assessee, it is aggrieved that CIT (A) directed a reduction of the freight and insurance charges from the export turnover as

well as the total turnover while computing the deduction allowable to the assessee u/s.10B of the Income-tax Act, 1961 (' the Act' in short).

02. It is clear from ground 3 of the Revenue that it is aggrieved on the CIT (A) following the judgment of Hon'ble jurisdictional High Court in the case of CIT v. Tata Elxsi Ltd [349 ITR 98], wherein it was held unequivocally by their Lordships that items excluded from export turnover had to be excluded from the total turnover also while working out the eligible deduction. Since the CIT (A) had followed the judgment of jurisdictional High Court, just for a reason that an SLP has been filed before the Supreme Court, we cannot deviate from the view taken by the CIT (A). Accordingly we dismiss appeal of the Revenue.

03. In the result, appeal of the Revenue stands dismissed.

Order pronounced in the open court on 19th day of February, 2016.

Sd/-

(VIJAYPAL RAO)
JUDICIAL MEMBER

Sd/-

(ABRAHAM P GEORGE)
ACCOUNTANT MEMBER