

**IN THE INCOME TAX APPELLATE TRIBUNAL  
'B' BENCH, BANGALORE**

**BEFORE SHRI. SUNIL KUMAR YADAV, JUDICIAL MEMBER AND  
SHRI A. K. GARODIA, ACCOUNTANT MEMBER**

<b>IT(TP)A No. &amp; Assessment Year</b>	<b>Appellant</b>	<b>Respondent</b>
1522/Bang/2015 2011-12	M/s. Fair Isaac India Software Pvt. Ltd., Titanium Building, 135 Airport Road, Kodihalli, Bengaluru-560017. <b>PAN : AAACF7670G</b>	Assistant Commissioner of Income-Tax, Circle – 3(1)(1), 2 <sup>nd</sup> Floor, BMTC Building, 80 Feet Road, 6 <sup>th</sup> Block, Koramangala, Bengalure - 560095.

Assessee by : Shri. Priyam Singhania, CA

Revenue by : Ms. Neera Malhotra, CIT-DR-II

Date of hearing : 21/09/2017

Date of pronouncement : 11/10/2017

**O R D E R**

***Per Sunil Kumar Yadav, JM :***

This appeal is preferred by the assessee against the assessment order passed consequent to the order of the DRP on various grounds. The Director of the assessee company has moved an application stating that an agreement was entered upon between the appellant and CBDT on 31.08.2017 and pursuant to the agreement, assessee/appellant is required to give effect to the Advance Pricing Agreement (APA) Roll-back provisions contained in the agreement, as provided under Rule 10RA(4) of the IT Rules, 1962 ('the Rules') and in view of the Rule 10RA(4), the assessee's request for the withdrawal of transfer pricing ground of appeal referred before the Tribunal. It was further stated that transfer pricing grounds of appeal filed before the Tribunal relate to the covered transactions under the APA and accordingly assessee wants to withdraw the

grounds of appeal from Nos.1 to 8 referred before the Tribunal. The request of the assessee was not objected to by the Revenue. We therefore allow the assessee to withdraw the ground Nos. 1 to 8 relating to transfer pricing issues. Accordingly, ground Nos. 1 to 8 are dismissed as withdrawn.

2. With regard to ground No.9, the learned counsel for the assessee has contended that this ground relate to deduction under section 10A of the IT Act and the issue is squarely covered by judgments of jurisdictional High Court in the case of *Tata Elxsi 349 ITR 98*. Therefore, the travel expenses incurred in foreign currency also be reduced from the total turnover in order to compute the deduction under section 10A of the Act. The learned DR did not object to the contentions of the assessee and we accordingly allow the ground of the assessee and direct the AO to reduce the travel expenses incurred in foreign currency from the total turnover also and then recompute the deduction under section 10A of the Act.

3. In the result, appeal of the assessee is partly allowed for statistical purposes.

*Order pronounced in the open court on this 11<sup>th</sup> October, 2017.*

Sd/-  
**(A. K. GARODIA)**  
**ACCOUNTANT MEMBER**

Sd/-  
**(SUNIL KUMAR YADAV)**  
**JUDICIAL MEMBER**

Place : Bangalore  
Dated : 11/10/2017  
/NShylu/\*

**Copy to :**

- 1 Appellant
- 2 Respondent
- 3 CIT
- 4 DR
- 5 Guard file

By order

Senior Private Secretary  
Income-tax Appellate Tribunal  
Bangalore