

आयकर अपीलीय अधिकरण, B/“SMC” न्यायपीठ, चेन्नई ।

IN THE INCOME TAX APPELLATE TRIBUNAL
B/“SMC” BENCH, CHENNAI

श्री. चंद्र पूजारी लेखा सदस्य, के समक्ष ।

BEFORE SHRI CHANDRA POOJARI, ACCOUNTANT MEMBER

आयकर अपील सं./I.T.A.No.631/Mds./2017

(निर्धारण वर्ष / Assessment Year : 2002-03)

Deputy Commissioner of
Income tax,
Corporate Circle-4(1),
Chennai.

Vs. M/s.Maars Software International Ltd.,
2nd Floor, East Coast Chambers,
92, G.N.Chetty Road, T.Nagar,
Chennai 600 017.
PAN AAACM 4527 H

(अपीलार्थी / Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से / Appellant by : Mr.V.Sreenivasan, JCIT, D.R
प्रत्यर्थी की ओर से/Respondent by : none

सुनवाई की तारीख/ Date of hearing : 19.06.2017
घोषणा की तारीख /Date of Pronouncement : 19.06.2017

आदेश / ORDER

PER CHANDRA POOJARI, ACCOUNTANT MEMBER:

This appeal is filed by the Revenue, aggrieved by the order of the Learned Commissioner of Income Tax(A)-8, Chennai dated 06.01.2017 pertaining to assessment year 2002-03.

2. The only ground in this appeal is with regard to deletion of disallowance of deduction u/s.10A of the Act on foreign exchange gain of ₹37,28,199/- by Ld.CIT(A).

3. At the time of hearing, none appeared on behalf of the assessee. The case is taken for adjudication after hearing the Id.D.R.

4. After perusing the material on record and hearing the Id.DR, the similar issue came for consideration before the jurisdictional High Court in the case of CIT Vs. Pentasoft Technologies Ltd., in (2012) 347 ITR 578(Madras) wherein held that:-

“4. In order to allow a claim under section 10A of the Act, what all is to be seen is whether such benefit earned by the assessee was derived by virtue of export made by the assessee. The exchange value based on upward or downward of the rupee value is not in the hands of the assessee. In other words, the assessee does not determine the exchange value of the Indian rupee. It has to be remembered but for the fact that the assessee is an export house, there was no question of earning any foreign exchange. Therefore, when the fluctuation in foreign exchange rate was solely relatable to the export business of the assessee and the higher rupee value was earned by virtue of such exports carried out by the assessee, there is no reason why the benefit of section 10A should not be allowed to the assessee”.

Being so, I do not find any infirmity in the order of Ld.CIT(A) wherein he has followed the binding decision of the jurisdictional High Court. Accordingly, the ground raised by the Revenue stands dismissed.

5. In the result, the appeal of Revenue is dismissed.

Order pronounced on 19th June, 2017 at Chennai.

Sd/-
(चंद्र पूजारी)
(CHANDRA POOJARI)
लेखा सदस्य /ACCOUNTANT MEMBER

Chennai,
Dated the 19th June, 2017.

K s sundaram.

आदेश की प्रतिलिपि अग्रेषित/Copy to:

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|--------------------------|------------------------------|-------------------------|
| 1. अपीलार्थी/Appellant | 3. आयकर आयुक्त (अपील)/CIT(A) | 5. विभागीय प्रतिनिधि/DR |
| 2. प्रत्यर्थी/Respondent | 4. आयकर आयुक्त/CIT | 6. गार्ड फाईल/GF |