

IN THE INCOME TAX APPELLATE TRIBUNAL
"C" BENCH : BANGALORE

BEFORE SHRI ARUN KUMAR GARODIA, ACCOUNTANT MEMBER AND
SHRI VIJAY PAL RAO, JUDICIAL MEMBER

ITA No. 787/Bang/2017
Assessment Year : 2011-12

The DCIT, Circle 1 (1)(1), Bangalore.	Vs.	M/s. AOL Online India Pvt. Ltd., 401, Prestige, Meridian – II, No. 30, M. G. Road, Bangalore – 560 001. PAN: AABCN2578G
APPELLANT		RESPONDENT

Assessee by	:	Shri Vineet Kumar Jain, C. A.
Revenue by	:	Shri R. N. Parbat, CIT (DR)

Date of hearing	:	26.10.2017
Date of Pronouncement	:	27.10.2017

ORDER

Per Shri A.K. Garodia, Accountant Member

This is a revenue's appeal directed against the order of CIT (A) – 1, Bengaluru dated 26.12.2016 for Assessment Year 2011 – 12.

2. The revenue has raised several grounds but the grievance is only one that learned CIT (A) has erred in holding that the expenditure of Rs. 371,49,313/- reduced by the A. O. from export turnover to compute the deduction allowable u/s 10A should also be reduced from total turnover.
3. Learned DR of the revenue supported the assessment order and learned AR of the assessee supported the order of CIT (A). He also submitted that this issue is now covered in favour of the assessee by the judgment of Hon'ble Karnataka High Court rendered in the case of Tata Elxsi as reported in 349 ITR 98.
4. We have considered the rival submissions. We find that as per this judgment of Hon'ble Karnataka High Court rendered in the case of Tata Elxsi (Supra), total turnover is sum total of export turnover and domestic turnover and therefore, if an amount is reduced from export turnover, then total turnover also gets

reduced automatically by the same amount. Hence, we decline to interfere in the order of CIT (A).

5. In the result, the appeal filed by the revenue is allowed for statistical purposes.

Order pronounced in the open court on the date mentioned on the caption page.

Sd/-
(VIJAY PAL RAO)
Judicial Member

Sd/-
(ARUN KUMAR GARODIA)
Accountant Member

Bangalore,
Dated, the 27th October, 2017.
/MS/

Copy to:

1. Appellant
2. Respondent
3. CIT
4. CIT(A)
5. DR, ITAT, Bangalore.
6. Guard file

By order

Senior Private Secretary,
Income Tax Appellate Tribunal,
Bangalore.