

**THE INCOME TAX APPELLATE TRIBUNAL
HYDERABAD BENCH "A", HYDERABAD**

**BEFORE SMT P. MADHAVI DEVI, JUDICIAL MEMBER
AND SHRI S. RIFIAUR RAHMAN, ACCOUNTANT MEMBER**

**ITA No.464/Hyd/2017
Assessment Year: 2012-13**

FactSet Systems India Pvt vs. ACIT, Circle-17(1),
Ltd., Hyderabad. Hyderabad.

PAN – AABCF1445Q

(Appellant)

(Respondent)

Assessee by : Shri Bhupender Singh
Revenue by : Shri Ashok Kumar Kardan

Date of hearing : 24-04-2018
Date of pronouncement : 27-04-2018

ORDER

PER P. MADHAVI DEVI, J.M.:

This is assessee's appeal for the A.Y 2012-13 against the assessment order passed u/s 143(3) r.w.s 92CA(3) and 144C(5) of the Income tax Act.

2. Today, when the matter was called for hearing, the Ld. Counsel for the assessee has filed a letter dated 17.04.2018 stating as under:

"In this connection, we would like to bring to your Honours' notice that the Appellant had filed an application on 30.03.2013 with the Director General of Income Tax, (International Taxation), New Delhi [Indian Advance Pricing Agreement ('APA') Authorities] for determination of arm's length price ('ALP') for the proposed covered transactions covering the Financial Years ('FYs') 2013-14 to 2017-18 [Referred to as 'APA

years’]. Subsequently, the Central Board of Direct Taxes notified rollback provisions for APA programme vide notification No. S.O. 758(E) dated 14 March 2015 (attached as Enclosure 1). The roll back provisions are applicable for the previous four years, preceding years for which the APA application is made. The preceding four previous years for the Appellant are financial years 2009-10, 2010-11, 2011-12 and 2012-13. Considering the same, the Appellant opted for an application of roll back provisions for the financial years 2009-10, 2010-11, 2011-12 and 2012-13 in Form No. 3CEDA.

In this regard, the Appellant would like to submit that the APA filed by the Appellant, including the roll-back application, are concluded between the Appellant and the APA authorities on 23 February 2018. Pursuant to the APA, the Appellant is obligated to file modified return of income (‘ROI) under section 92CD of the income tax Act, 1961 (‘Act’) read with Rule 10RA of the Rules for the AYs 2010-11 to 2017-18. The said Rule mandates the assessee to withdraw the appeals pending before the Appellate authorities before filing the modified ROIs.

Relevant extract of Rule 10RA is given below for easy reference:

10RA – Procedure for giving effect to rollback provision of an Agreement

“10RA(4). If any appeal filed by the applicant is pending before the Commissioner (Appeals), Appellate Tribunal of the High Court for a rollback year, on the issue which is the subject matter of the roll back provision for the year, the said appeal to the extent of the subject covered under the agreement shall be withdrawn by the application before furnishing the modified return for the said year”

In view of the above, the Appellant approaches your Honours’ kindly allow the Appellant to withdraw the appeal for the captioned AY i.e AY 2013-14, which is pending before your Honours’, to enable the Appellant to furnish the modified returns.

2.1 Taking the same into consideration the assessee's appeal is dismissed as withdrawn.

Pronounced in the open court on 27th April, 2018.

Sd/-

(S. RIFAUR RAHMAN)
ACCOUNTANT MEMBER

Sd/-

(P. MADHAVI DEVI)
JUDICIAL MEMBER

Hyderabad, Dated: 27th April, 2018

KRK

- 1 FactSet Systems India Pvt Ltd., Plot No. 129 to 132, 5th Floor, Block III, DLF Cyber City, Opposite TO APHB Colony, Gachibowli, Hyderabad-19
- 2 The ACIT, Circle-17(1) Hyderabad
- 3 O/o the income tax Dispute Resolution Panel-1, Bengaluru-1.
- 4 The Pr. Commissioner of Income tax-5, Hyderabad.
- 5 The DR, ITAT Hyderabad
- 6 Guard File