

**IN THE INCOME TAX APPELLATE TRIBUNAL  
MUMBAI BENCH "K", MUMBAI**

**BEFORE SHRI G.S. PANNU, ACCOUNTANT MEMBER AND  
SHRI SANDEEP GOSAIN, JUDICIAL MEMBER**

**ITA NO. 992/MUM/2016 : A.Y : 2011-12**

ACIT-12(3)(2),  
Mumbai (Appellant)

Vs. M/s. MSCI Services Pvt. Ltd.,  
12<sup>th</sup> & 13<sup>th</sup> floor, I.T. Building No.3,  
NSECO IT Park, NESCO Complex,  
Goregaon (E), Mumbai 400 063.  
**PAN : AADCM8594K (Respondent)**

**CO NO. 43/MUM/2016 : A.Y : 2011-12**  
**(In ITA No.992/Mum/2016)**

M/s. MSCI Services Pvt. Ltd.,  
12<sup>th</sup> & 13<sup>th</sup> floor, I.T. Building  
No.3, NSECO IT Park, NESCO  
Complex, Goregaon (E),  
Mumbai 400 063.

**PAN : AADCM8594K (Cross  
Objector/Org. Respondent)**

ACIT-12(3)(2),  
Mumbai (Respondent)

**Revenue by : Ms. Amrita Ranjan (CIT-DR)**

**Assessee by : Shri M.P. Lohia & Shri Nikhil Tiwari**

**Date of Hearing : 27/07/2018**

**Date of Pronouncement : 31/07/2018**

**ORDER**

**PER G.S. PANNU, AM :**

The captioned appeal by the Revenue is directed against the directions of the Dispute Resolution Panel-III, Mumbai dated 30<sup>th</sup> November,

2015 to delete the Transfer Pricing adjustment whereas the assessee has filed its Cross Objection against the appeal filed by the Revenue against the directions of the DRP-III, Mumbai.

2. At the time of hearing, the Id. CIT-DR furnished a communication dated 26.07.2018 from Principal Commissioner of Income Tax-12, Mumbai communicating that the appeal of the Revenue may not be pressed. The relevant comments of the Principal Commissioner of Income Tax-12, Mumbai contained in the said communication read as under :-

*"I have perused the MAP order. In the light of the order, I find that rate of profit (margin) accepted in MAP is still lower as compared to the same in A.Y. 2011-12. The DRP decided the application of the assessee determining profit margin at 32.73% in A.Y. 2011-12 as against 29.12% shown by the assessee. Though we have preferred appeal in ITAT against the order of the DRP but taking into consideration the fact that profit margin accepted in MAP for all the years that had been before the MAP, is not more than 32.73% decided by the DRP in A.Y. 2011-12 as reasonable, it will be not proper to press this issue in ITAT in A.Y. 2011-12. Therefore, in response to the letter of the CIT(DR), it may be communicated that appeal in A.Y. 2011-12 may not be pressed."*

3. In view of the above plea of the Id. CIT-DR, appeal of the Revenue is dismissed as not pressed.

4. So far as the Cross Objection filed by the assessee is concerned, the learned representative submitted that consequent to non-pressing of the appeal by the Revenue, the Cross Objection becomes infructuous and is liable to be dismissed. Accordingly, the Cross Objection is also dismissed.

5. Resultantly, the appeal of the Revenue as well as the Cross Objection of the assessee is dismissed, as above.

Order pronounced in the open court on 31<sup>st</sup> July, 2018.

Sd/-

**(SANDEEP GOSAIN)**  
**JUDICIAL MEMBER**

Sd/-

**(G.S. PANNU)**  
**ACCOUNTANT MEMBER**

Mumbai, Date : 31<sup>st</sup> July, 2018

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Copy to :

- 1) The Appellant
- 2) The Respondent
- 3) The CIT(A) concerned
- 4) The CIT concerned
- 5) The D.R, "K" Bench, Mumbai
- 6) Guard file

By Order

Dy./Asstt. Registrar  
I.T.A.T, Mumbai