



3. The Ground No. 2 raised by the assessee is general in nature and does not require any specific adjudication.

4. The Ground Nos 3 to 11 raised by the assessee are with regard to adjustment made to Arm's Length Price of international transactions carried out by the assessee. At the outset, we find that the Id senior counsel for the assessee before us argued that the comparables stated by the assessee were not considered by the Id TPO / Id DRP and requested for setting aside of the issue to the file of Id TPO for denovo adjudication. The Id DR before us fairly agreed to the same. Having heard the rival submissions, in the facts and circumstances of the case, we deem it fit and appropriate, in the interest of justice and fairplay, to remand this issue of adjustment made to ALP of international transactions for denovo adjudication by the Id TPO in accordance with law, uninfluenced by earlier decision taken by him or by Id DRP in this issue. The assessee is hereby directed to co-operate with the Id TPO by submitting the necessary documentation in support of its contentions. The assessee is also at liberty to adduce fresh evidences in support of its contentions. Accordingly, all the grounds relating to transfer pricing adjustment numbering from 3 to 11 raised by the assessee are allowed for statistical purposes.

5. The Ground No. 13 raised by the assessee is with regard to the action of the Id AO in not granting set off of unabsorbed depreciation amounting to Rs 1,47,02,303/- as directed by Id DRP. Since the main issue involved in the appeal of the assessee is set aside to the file of Id AO/ Id TPO, we deem it fit to hold that this issue also requires de novo adjudication by the Id AO. Accordingly, the Ground No. 13 raised by the assessee is allowed for statistical purposes.

6. The Ground No. 14 raised by the assessee is with regard to chargeability of interest u/s 234B & 234D of the Act which is consequential in nature and does not require any specific adjudication.

7. The Ground No. 15 raised by the assessee is with regard to initiation of penalty u/s 271(1)(c) of the Act which would be decided afresh by the ld AO in accordance with law while giving effect to this order.

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

**Order pronounced in the Court on 07.12.2018**

Sd/-

[S.S. Godara]  
 Judicial Member

Sd/-

[ M.Balaganesh ]  
 Accountant Member

Dated : 07.12.2018  
 SB, Sr. PS

Copy of the order forwarded to:

1. Foster Wheeler Bengal Pvt. Ltd., (Merged with Amec Foster Wheeler India Pvt. Ltd.), Infinity Benchmark, 13<sup>th</sup> Floor, Plot, G-1, Block-EP & GP, Sector V, Salt Lake, Kolkata-700091.
2. ACIT, Circle-2(1), Kolkata, Aayakar Bhawan, P-7, Chowringhee Square, Kolkata-700069.
- 3..C.I.T.(A)-
4. C.I.T.- Kolkata.
5. CIT(DR), Kolkata Benches, Kolkata.

True copy

By Order

Assistant Registrar  
 ITAT, Kolkata Benches