

आयकर अपीलीय अधिकरण, ' ए ' न्यायपीठ, चेन्नई
**IN THE INCOME TAX APPELLATE TRIBUNAL
"A" BENCH, CHENNAI**

श्री धुव्वुरु आर. एल रेड्डी, न्यायिक सदस्य एवं, श्री एस जयरामन, लेखा सदस्य समक्

**BEFORE SHRI DUVVURU RL REDDY, JUDICIAL MEMBER AND
SHRI S. JAYARAMAN, ACCOUNTANT MEMBER**

आयकर अपील सं./I.T.A. No.: 2315/Chny/2016

निर्धारण वर्ष/Assessment Year : 2010-11

Polaris Consulting and Services Limited,
(Formerly known as Polaris Financial
Technology Limited)
Polaris House,
244, Anna Salai,
Chennai – 600 006.

Commissioner of Income Tax
Vs. (Appeals)-3,
121, Mahatma Gandhi Road,
Nungambakkam,
Chennai – 600 034.

[PAN: AAACP 4341E]

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से/Appellant by

: Ms. N.V. Lakshmi, Advocate

प्रत्यर्थी की ओर से/Respondent by

: Shri. Sreelekha V.S., CIT

सुनवाईकीतारीख/Date of Hearing

: 06.09.2021

घोषणाकीतारीख/Date of Pronouncement

: 06.09.2021

आदेश / O R D E R

PER S. JAYARAMAN, ACCOUNTANT MEMBER:

The assessee filed this appeal against the order of the Commissioner of Income Tax (Appeals)- 3, Chennai in ITA No. 61/2014-15/CIT(A)-3 dated 31.03.2016 for the assesment year 2010-11.

2. The case was heard through video conferencing. The Ld. AR submitted that against the order of this tribunal 'A' Bench in ITA No. 2315/Chny/2016 dated 29.06.2017, the assessee filed an appeal before the Hon'ble Jurisdictional High Court, wherein on its substantial Question of Law no 4 i.e., Whether under the facts and circumstances of the case the Tribunal was right in holding that the expenditure incurred by the appellate in foreign currency which was not included in the 'Export Turnover' is to be excluded from the 'Export Turnover' ?, the Hon'ble High Court held remanded to the Tribunal for fresh consideration after affording an opportunity to the assessee.

2.1 In pursuance of such matter, this case was posted for hearing. The Ld. AR inviting our attention to the paperbook wherein, the order of CMP No. 13829 of 2020 in TCA No. 292 of 2018 dated 23.12.2020 and the order of this tribunal in ITA No. 2315/Chny/2016 dated 29.10.2018 (recalled order) etc placed and submitted that against the original ITAT order in ITA No. 2315/Chny/2016 dated 29.06.2017, the assessee filed an appeal before the Hon'ble High Court. Meanwhile, it filed a Miscellaneous Petition before the Hon'ble Tribunal. Subsequently, the Hon'ble Tribunal passed the recalled order on 29.10.2018, supra, holding that the assessee was eligible to claim deduction u/s. 10A of the Act on the enhanced income, after the disallowance made u/s. 14A of the Act

and directed the Assessing Officer to rework the deduction available to the assessee u/s. 10A of the Act accordingly. Thus, the impugned ground No. 1.6 of the assessee is allowed. Since, the issue is already settled by the Hon'ble ITAT in the recalled order in the assessee's favour, this appeal may be dismissed as withdrawn. Per contra, the Ld. DR submitted that since, the issue is already settled by the Hon'ble Tribunal in the recalled order in favour of the assessee, she has no objection to the Ld. AR's submissions.

4. We heard the rival submissions. Since, the assessee's ground no. 1.6 which was subject matter of the substantial Question of Law no. 4, supra, is decided by the Hon'ble Tribunal in the recalled order, supra, in favour of the assessee, we dismiss this appeal as withdrawn.

5. In the result, the appeal filed by the assessee is dismissed as withdrawn.

Order pronounced on 06th September, 2021 at Chennai.

(धुव्वुरु आर. एल रेड्डी)
(DUVVURU RL REDDY)
न्यायिकसदस्य/Judicial Member

(एस जयरामन)
(S. JAYARAMAN)
लेखासदस्य/Accountant Member

चेन्नई/Chennai,

दिनांक/Dated: 06th September, 2021

JPV

आदेशकीप्रतिलिपिअग्रेषित/Copy to:

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकरआयुक्त (अपील)/CIT(A)
4. आयकरआयुक्त/CIT
5. विभागीयप्रतिनिधि/DR
6. गार्डफाईल/GF