

**IN THE INCOME TAX APPELLATE TRIBUNAL, 'J' BENCH
MUMBAI**

**BEFORE: SHRI VIKAS AWASTHY, JUDICIAL MEMBER
&
SHRI M.BALAGANESH, ACCOUNTANT MEMBER**

**ITA No.1146/Mum/2014
(Assessment Year :2009-10)**

M/s. Nomura Services India Pvt. Ltd., (Formerly Lehman Brothers Services India Pvt. Ltd.,) 10 th Floor, Nomura Off. High Street Hiranandani Business Park Powai, Mumbai – 400 076	Vs.	Additional Commissioner of Income Tax-10(3) Aayakar Bhavan M.K.Road Mumbai – 400 020
PAN/GIR No.AABCL0053C		
(Appellant)	..	(Respondent)

**ITA No.1710/Mum/2015
(Assessment Year :2010-11)**

Dy. Commissioner of Income Tax-15(2)(1) Room No.403, 4 th Floor Aayakar Bhavan M.K.Road, Mumbai – 400 020	Vs.	M/s. Nomura Services India Pvt. Ltd., (Formerly Lehman Brothers Services India Pvt. Ltd.,) 9 th Floor, Nomura Hiranandani Business Park Powai, Mumbai – 400 076
PAN/GIR No.AABCL0053C		
(Appellant)	..	(Respondent)

**CO No.70/Mum/2015
(Arising out of ITA No.1710/Mum/2015)
(Assessment Year :2010-11)**

M/s. Nomura Services India Pvt. Ltd., (Formerly Lehman Brothers Services India Pvt. Ltd.,) 9 th Floor, Nomura Hiranandani Business Park Powai, Mumbai – 400 076	Vs.	Dy. Commissioner of Income Tax-15(2)(1) Room No.403, 4 th Floor Aayakar Bhavan M.K.Road, Mumbai – 400 020
PAN/GIR No.AABCL0053C		
(Appellant)	..	(Respondent)

CORRIGENDUM

By virtue of letter dated 26/07/2022, the assessee seeks for Corrigendum to be issued in this case.

2. We find that appeal in the case of Nomura Services India Pvt. Ltd., (Formerly Lehman Brothers Services India Pvt. Ltd.,) for A.Y.2009-10 in ITA No.1146/Mum/2014 was disposed of on 15/07/2022. While disposing of the said order, this Tribunal in para 2 had stated as under:-

“2. At the outset both the parties stated that though appeal for A.Y.2008-09 is pending disposal before this Tribunal, this Tribunal need not await disposal of appeal of A.Y.2008-09 as the outcome of the said appeal would not have any bearing on appeal for A.Y.2009-10.”

3. The assessee vide letter dated 26/07/2022 had brought to our notice that the aforesaid para 2 mentioned in the Tribunal order is of no relevance as far as the present assessee is concerned. For the sake of convenience, letter dated 26/07/2022 of the assessee is reproduced hereunder:-

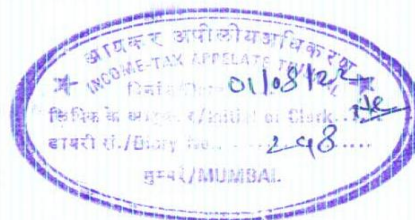
NOMURA

Nomura Services India Private Limited
Winchester - 10th Floor, Powai Business District, Powai,
Mumbai - 400 076, India

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Facsimile +91 22 3053 2111
Website www.nomura.com

26 July 2022

The Hon'ble Members
Income-tax Appellate Tribunal
Bench 'J'
MK Marg
Mumbai -- 400 020



Dear Sir,

Re: Request for Corrigendum to the order dated 15 July 2022 in the case of Nomura Services India Private Limited ("NSIPL" or "the Appellant")
PAN: AABCL0053C
Appeal No - ITA No 1146/mum/2014 for AY 2009-10
ITA No 1710/mum/2015 and CO No 70/mum/2015 for AY 2010-11

In connection with the captioned order of the Hon'ble Income Tax Appellate Tribunal (enclosed as **Annexure A**), we humbly and respectfully pray to issue a corrigendum to correct an inadvertent error on Para 2 of Page 3 of the said order.

The Hon'ble Tribunal in the Para 2 has observed that, "At the outset both the parties stated that though appeal for A.Y.2008-09 is pending disposal before this Tribunal, this Tribunal need not await disposal of appeal of A.Y.2008-09 as the outcome of the said appeal would not have any bearing on appeal for A.Y.2009-10."

We may humbly submit that no appeal of the Appellant is pending for adjudication for AY 2008-09. The order of NSIPL for AY 2008-09 is enclosed as **Annexure B**. We may respectfully point out that an appeal in case of another group company with a name very similar to that of the Appellant i.e. Nomura Fin Services India Private Limited (ITA No. 1903/mum/2017), is pending for adjudication for AY 2008-09 and it has no bearing whatsoever upon the outcome of the present appeal.

It is respectfully submitted that an inadvertent error in Para 2 of the order could have arisen on account of the typographical errors in the cause list of the Hon'ble Tribunal which is enclosed as **Annexure C**. It may be pointed out that the Appellant had after the hearing, to clarify and correct the above typographical error had filed corrected details of the listed appeals in which relevant assessment year is mentioned against each appeal. A copy of such corrected list is enclosed as **Annexure D**.

In view of the above, we humbly and respectfully submit that Para 2 on page 3 of the order may kindly be deleted even though it has no bearing on the decision of the Hon'ble Tribunal.

Yours faithfully

Authorised Signatory
Copy to: Department Representative of 'J' Bench

Nomura Services India Private Limited
Registered in India No. U72200MH2004PTC147813
A member of the Nomura group of companies



3.1. On perusal of the aforesaid letter we find that this para No.2 in Tribunal order is not warranted as it does not pertain to the assessee i.e. Nomura Services India Pvt. Ltd., and the same pertains only to Nomura

Fin Services India Pvt. Ltd., (group company of the assessee), hence, we deem it fit to issue this corrigendum by stating as under:-

“Para 2 of the order in ITA No.1146/Mum/2014 for A.Y.2009-10 dated 15/07/2022 shall stand deleted”

3.2. Para 2.1 of the said order shall have to be read as para 2. This corrigendum is to be read as part and parcel of the original Tribunal order dated 15/07/2022. Ordered accordingly.

Sd/-
(VIKAS AWASTHY)
JUDICIAL MEMBER

Sd/-
(M.BALAGANESH)
ACCOUNTANT MEMBER

Mumbai; Dated 18/08/2022
KARUNA, *sr.ps*

Copy of the Order forwarded to :

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

//True Copy//

BY ORDER,

(Sr. Private Secretary / Asstt. Registrar)
ITAT, Mumbai