

आयकर अपीलीय अधिकरण, 'सी' न्यायपीठ, चेन्नई

**IN THE INCOME TAX APPELLATE TRIBUNAL**

**'C' BENCH, CHENNAI**

श्रीएन.आर.एस. गणेशन, न्यायिकसदस्य एवं  
श्री ए. मोहन अलंकामणी, लेखा सदस्य केसमक्ष

**BEFORE SHRI N.R.S. GANESAN, JUDICIAL MEMBER AND  
SHRI A. MOHAN ALANKAMONY, ACCOUNTANT MEMBER**

आयकर अपील सं./ITA No. 1763/Mds/2016  
निर्धारण वर्ष /Assessment Year : 2010-11

The Deputy Commissioner of  
Income-tax,  
Corporate Circle -1(1),  
Chennai – 600 034.

v. M/s.Amec Foster Wheeler India  
Private Limited,  
(Formerly Foster Wheeler India P Ltd.)  
6<sup>th</sup> Floor, Zenith Building,  
Ascendas IT Park,  
CSIR Road, Taramani,  
Chennai – 600 113.

PAN : AAACF3204C

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से/Appellant by

: Shri A.V.Sreekanth, JCIT

प्रत्यर्थीकीओरसे/Respondent by

: Shri Sriram Seshadri, C.A.

सुनवाईकीतारीख/Date of Hearing : 01.09.2016

घोषणाकीतारीख/Date of Pronouncement : 23.09.2016

**आदेश /O R D E R**

**PER N.R.S. GANESAN, JUDICIAL MEMBER:**

This appeal of the revenue is directed against the order of the CIT(A) -1, Chennai dated 09.03.2016 and pertains to Assessment Year 2010-11.

2. The only issue arises for consideration is exclusion of telecommunication expenses both from export turnover and total turnover for the purpose of computation of deduction under Section 10A of the Act.

3. Shri A.V.Sreekanth, the learned department representative submitted that the assessing officer executed telecommunication expenses from the export turnover. On appeal by the assessee, the CIT(A) by placing reliance on the special bench decision of this Tribunal, directed the assessing officer to exclude the telecommunication expenses from the export turnover also. According to the learned representative, the revenue has already filed an appeal against the decision of this Tribunal in the case of Sak Soft Limited reported in 313 ITR (AT) 353 (Chennai) and the same is pending. Therefore, to keep the matter alive, the revenue filed the appeal before this Tribunal.

4. We heard Shri Sriram Seshadri, the learned representative for the assessee also. The learned representative for the assessee submitted that for the purpose of computing eligible deduction under Section 10A, this Tribunal is of the considered opinion that the denominator and numerator shall be of the same factor. Once the telecommunication expenses included in the total turnover, the same shall also be included in the export turnover. However, the assessing officer included the telecommunication expenses in the export turnover and excluded the same from the total turnover. Therefore, this Tribunal is of the considered opinion that the CIT(A) has rightly found that the telecommunication expenses has to be excluded both from the export turnover

and the total turnover. Therefore, this Tribunal do not find any reason to interfere with the order of the CIT(A) and accordingly, the same is confirmed.

5. In the result, the appeal of the revenue stands dismissed.

Order pronounced on 23<sup>rd</sup> September, 2016 at Chennai.

Sd/-

(ए. मोहन अलंकामणी)

**(A. Mohan Alankamony)**

लेखा सदस्य/Accountant Member

Sd/-

(एन.आर.एस. गणेशन)

**(N.R.S. Ganesan)**

न्यायिक सदस्य/Judicial Member

चेन्नई/Chennai,

दिनांक/Dated, the 23<sup>rd</sup> September, 2016.

sp.

आदेश की प्रतिलिपि अग्रेषित/Copy to:

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकर आयुक्त (अपील)/CIT(A)
4. आयकर आयुक्त/CIT,
5. विभागीय प्रतिनिधि/DR
6. गार्ड फाईल/GF.