

**IN THE INCOME TAX APPELLATE TRIBUNAL
'B' BENCH: BANGALORE**

**BEFORE N.V.VASUDEVAN, JUDICIAL MEMBER
and
SHRI ABRAHAM P.GEORGE, ACCOUNTANT MEMBER**

**ITA No.682/Bang/2014
(Assessment year: 2010-11)**

Deputy Commissioner of Income-tax,
Circle 12(3),
Bangalore. ... Appellant

Vs.

M/s.Secon Pvt. Ltd.
No.147, 7B Road, (EPIP), Whitefield,
Bangalore-560056. ... Respondent
PAN: AAEC6269A

Appellant by: Dr. P.K.Srihari, Addl.CIT.
Respondent by: Shri Tata Krishna, Advocate.

Date of hearing : 10-03-2015.
Date of pronouncement: 20-03-2015.

O R D E R

Per ABRAHAM P. GEORGE, AM:

This is a departmental appeal in which it assails the order of the CIT(A) to exclude re-imbusement of certain expenditure, not considered as part of export turnover by the Assessing Officer (AO), from the total turnover also while computing the deduction available to the assessee under sec.10A of the Income-tax Act, 1961 [hereinafter referred to as 'the Act' for short].

2. We have heard the counsel for both sides. CIT(A) had relied on the judgment of the jurisdictional High Court in the case of *CIT vs. Tata Elxsi* (349 ITR 98) for directing the exclusion of the item not included in export turnover from the total turnover also. Just because Special Leave Petition filed against the above judgment in the Supreme Court, will not in our opinion, be a good reason to disturb the directions given by CIT(A), yielding to wisdom of the Hon'ble jurisdictional High Court. We thus do not find any reason to interfere with the order of the Id.CIT(A).

3. Appeal of the Revenue is dismissed.

Pronounced in the open court on 20th March, 2015.

sd/-
(N.V.Vasudevan)
JUDICIAL MEMBER
eksrinivasulu

sd/-
(Abraham P.George)
ACCOUNTANT MEMBER

Copy to:

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

By order

Assistant Registrar
Income-tax Appellate tribunal
Bangalore