IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPEAL NO. 1716 OF 2018

Commissioner of Income Tax (Exemption) .. Appellant.
v/s.
The Framji Dinshaw Petit Parsee Sanatorium .. Respondent.

Mr. Sham Walve, for the Appellant.

CORAM: M.S.SANKLECHA &
SANDEEP K. SHINDE, JJ.
DATE : 25th JULY, 2018.

P.C:-

This Appeal under Section 260-A of the Income Tax Act, 1961 (the Act), challenges the order dated 30st August, 2017 of the Income Tax Appellate Tribunal (the Tribunal). The impugned order dated 31st August, 2017 relates to Assessment Year 2009-10.

2 The question proposed for our consideration, is

> " *Whether on the facts and circumstances of the case and in law, the Tribunal is justified in allowing the claim of carrying forward of deficit and allowing set off of the same in subject years?"*

3 Mr. Walve, learned Counsel appearing for the Revenue, on instructions of the Income Tax Officer [E]-2(4), withdraws the Appeal. This as the issue stands concluded against the Revenue by the decision of the Supreme Court in ***CIT v/s. Rajasthan and Gujarat Charitable Foundation 402 ITR 441.***

3 Accordingly, **Appeal dismissed,** as not pressed.

(SANDEEP K. SHINDE,J.) **(M.S.SANKLECHA,J.)**