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

INCOME TAX APPEAL NO. 1939 OF 2018

Principal Commissioner of Income Tax-14 .. Appellant

Versus

Vidyavihar Containers Ltd. .. Respondent

Mr. Suresh Kumar, *Advocate for the Appellant.*

Ms.Vasanti Patel, *Advocate for the Respondent.*

CORAM: B. P. COLABAWALLA &
FIRDOSH P. POONIWALLA, JJ.
DATE: JUNE 11, 2025.

P. C.

1. The above Appeal is filed under Section 260A of the Income Tax Act, 1961 from the Order of the Income Tax Appellate Tribunal, dated 23rd June 2017, which Appeal is restricted only for the A.Y. 2009-10.

2. Having heard Mr. Suresh Kumar, the learned Counsel appearing on behalf of the Revenue, we admit this appeal on the following substantial questions of law.

(a) Whether on the facts and in the circumstances of the case and in law, the ITAT was correct in coming to the conclusion that the order of the Revenue Minister dated 11th July 2008 could not be the deciding factor for determining the year of assessment in which the disputed amount of Rs.25 crores could be taxed especially considering that the Assessee Company followed the mercantile method of accounting ?

(b) Whether on the facts and in the circumstances of the case and in law, the ITAT was correct in holding that the first Appellate Authority [CIT(A)] was not justified in taxing the additional consideration of Rs.25 crores in A.Y. 2009-10 ?

(c) Whether on the facts and in the circumstances of the case and in law, the ITAT was correct in adjudicating that the Assessing Officer can assess the total income below than what is reflected in the Return of Income on a protective basis ?

3. Ms. Vasanti Patel waives service on behalf of the Respondent.

4. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[FIRDOSH P. POONIWALLA, J.] **[B. P. COLABAWALLA, J.]**

Uday S. Jagtap