IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPEAL NO.582 OF 2018

Infrastructure Leasing & Financial Service Ltd. …. Appellant
Versus
The Additional Commissioner of Income Tax,
Circle-10(1) …. Respondent

Mr. Madhur Agrawal a/w. Mr. Sameer Dalal for the Appellant.
Mr. Suresh Kumar for the Respondent.

CORAM : DHIRAJ SINGH THAKUR AND VALMIKI SA MENEZES, JJ.

DATE : 29th SEPTEMBER, 2022

P.C. :

1. Heard learned counsel for the respective parties.

2. This Appeal has been preferred by the Revenue under Section 260A of the Income Tax Act, 1961 against the Order dated 28.06.2017 passed by the Income Tax Appellate Tribunal, "I" Bench, Mumbai in Income Tax Appeal No.3203 & 3156/2008 for the assessment year 2004-05.

3. The Appeal is admitted on the following substantial question of law:-

> *"3. Whether, on the facts and in circumstances of the case, and in law, the Tribunal was right in law in confirming the Respondent's order disallowing an amount of Rs.22,32,084/- being amortization of premium paid to Mumbai Metropolitan Region Development Authority on the ground that it was capital expenditure?"*

4. Issue notice to the Respondent, returnable after eight weeks.

5. Registry is directed to communicate copy of this order to the Tribunal. This would enable to Tribunal to keep papers and proceedings relating to the present appeal available, to be produced when sought for by the Court.

6. List the matter on 19th January, 2023.

[VALMIKI SA MENEZES, J.] **[DHIRAJ SINGH THAKUR, J.]**