IN THE INCOME TAX APPELLATE TRIBUNAL "B", BENCH MUMBAI

BEFORE SHRI MAHAVIR SINGH, JM
&
SHRI M.BALAGANESH, AM

ITA No.7091/Mum/2017
(**Assessment Year :2012-13**)

M/s. Bombay Mercantile Co-operative Bank Ltd., Zain Rangoonwala, Building 78, Mohammad Ali Road, Mumbai – 400 003	Vs.	Dy. Commissioner of Income Tax-1(1)(1), Mumbai, Aayakar Bhavan M.K.Road, Mumbai – 400 020
PAN/GIR No.AAAAB2359J		
(Appellant)	..	**(Respondent)**

Assessee by	Shri B.V. Jhaveri
Revenue by	Shri Mohammed Rizwan
Date of Hearing	**24/01/2019**
Date of Pronouncement	**30/01/2019**

आदेश / O R D E R

***PER M. BALAGANESH (A.M)*:**

This is an appeal filed by the assessee directed against the order of Commissioner of Income Tax (Appeals) (in short CIT(A))-6, Mumbai dated 10/04/2015 for A.Y.2012-13 in the matter of order passed u/s.143(3) of the Income Tax Act, 1961.

2. The assessee has raised two grounds against the action of Ld. CIT(A) confirming the addition of Rs.1,60,07,715/- on account of amortization of

depreciation and addition of Rs.19,62,258/- on account of amortization of premium on investment.

3. At the outset, the Ld. AR pointed out that both the issues are covered by the Co-ordinate Bench decision of this Tribunal in assessee's own case for succeeding assessment year i.e A.Y.2013-14 in ITA No.1468/Mum/2017 dated 30/08/2018.

4. We have heard the rival submissions and we find that the assessee has also filed declaration u/s.158A(1) of the Act in Form No.8 which is enclosed in pages 39 and 40 of the paper book stating that the identical question of law is pending before the Hon'ble Bombay High Court in assessee's own case for the A.Y.2006-07 and 2007-08. We also find that this issue is squarely covered by the decision of this Tribunal in assessee's own case referred to supra wherein it was observed as under:-

> *"5. When this was pointed out to the learned Sr. Departmental Representative, he agreed that the matter can be restored back and also agreed that the similar question is pending before the Hon'ble Bombay High Court. In view of the above factual position, we restore these two grounds back to the file of the AO, who will apply the provisions of 158A and will decide the issue after the decision of Hon'ble Bombay High court, which is pending. Accordingly, the appeal of assessee is allowed for statistical purposes."*

5. Respectfully following the said decision, the grounds raised by the assessee are allowed for statistical purposes.

6. In the result, appeal of the assessee is allowed for statistical purposes.

Order pronounced in the open court on this 30/01/2019

Sd/-	**Sd/-**
(Mahavir Singh)	**(M. Balaganesh)**
JUDICIAL MEMBER	**ACCOUNTANT MEMBER**

Mumbai; Dated 30/01/2019

Karuna Sr.PS

Copy of the Order forwarded to :

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

BY ORDER,

सत्यापित प्रति //True Copy//

(Asstt. Registrar)
ITAT, Mumbai