

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPEAL NO. 683 OF 2018

Commissioner Of Income Tax- (Exemption) Pune ... Appellant

Versus

Mukund Bhavan Trust ...Respondent

Mr.Suresh Kumar for the Appellant.

Mr. Mihir C. Naniwadekar with Ms. Rucha Vaidya i/b Ms. Farzeen Khambatta for the Respondent.

**CORAM: DHIRAJ SINGH THAKUR &
ABHAY AHUJA, JJ.**

DATE : 5th AUGUST, 2022

P.C. :-

1. This appeal filed under section 260A of the Income Tax Act, 1961 ('the Act') challenges the order dated 28th June, 2017 passed by the Income Tax Appellate Tribunal, Mumbai Bench ('ITAT'), whereby the appeal, being Income Tax Appeal No. 223/PUN/2014 filed by the Assessee for the assessment year 2010-2011 has been allowed. The following question of law has been passed for our consideration:-

"Whether on the facts and circumstances of the case and in law, the Hon'ble ITAT is right in holding that the violation fo sec.13(1)(c)(ii) does not lead to denial of exemption u/s 11 as against the principle laid down by the Hon'ble Apex Court in the case of DIT Vs Bharat Diamond Bourse dated 16 December 2002, (2003) 179 CTR SC 225?"

2. After arguing for some time, learned counsel for the parties submit that the issue is covered by a judgment of this Court in the case of *Commissioner of Income Tax (Exemptions), Pune Vs. Audyogik Shikshan Mandal reported in (2019) 101 taxmann.com 247*.

3. In this view of the matter, no substantial question of law arises. The Appeal is dismissed. No order as to costs.

(ABHAY AHUJA, J.)

(DHIRAJ SINGH THAKUR, J.)