

LITIGATION MANAGEMENT CORNER
(F.No.401/22/2016-ITCC dated:13/07/2016 of CBDT)

The following High Court Orders are accepted on merits and therefore identical orders of Appellate Authorities i.e CIT(A) & ITAT should be accepted in Karnataka and Goa Region:

Realese-02, dated; 17/11/2016.

Sl. No	Name	Asst. Year	ITA.No. / Date of order	Reasons for acceptance
1.	IBC Knowledge Park Pvt. Ltd.,	2004-05 to 2007-08	Combined order- (2016) 385 ITR 346 (Kar)	Held reversing the decision of the Tribunal that satisfaction ought to be recorded to the effect that the documents seized during the search are incriminating in nature and prima-facie represented undisclosed income. The HC has relied on the Cr. of CBDT in No.24/2015 dated:31/12/2015.
2.	Fosroc Chemicals India P. Ltd.,	2009-10	HC's Order in .ITA. No.492 & 642/2015 C/w.470/2013 & 492/642/2015 dt:22/03/2016	The HC confirmed the finding that payment for technical and management cost is not to be analysed separately applying CUP when ALP is justified in TNMM and the TPO can't make cost-benefit analysis and decide no payment was required i.e. determine ALP at nil and make adjustment. The CBDT has not filed SLP-letter in F.No.DIT(L&R)-I/SZ/Pr.CIT(LTU)/Bangalore/464/2016, dated:07/07/2016 of DIT(L&R).