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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ **ITA 304/2022**

BENTLEY SYSTEMS INDIA PRIVATE LIMITED ..... Appellant

Through: Mr Nageswar Rao & Ms Deepika Agarwal, Advs.

versus

DEPUTY COMMISSIONER OF INCOME TAX ..... Respondent

Through: Mr Zoheb Hossain, Sr. Standing Counsel with Mr Sanjeev Menon, Standing Counsel for Revenue

CORAM:
HON'BLE MR. JUSTICE RAJIV SHAKDHER
HON'BLE MS. JUSTICE TARA VITASTA GANJU

O R D E R

% **07.03.2023**

[Physical Hearing/Hybrid Hearing (as per request)]

1. Having heard learned counsel for the parties, according to us, the matter requires examination.

2. Admit.

3. The following question of law is framed for the consideration of the Court:

> *"(a) Whether to the extent Tribunal's order restores the Respondent's issue relating to transfer pricing adjustment made towards interest on outstanding receivables, without deleting such adjustment, despite all relevant material/facts being available on record and law on such issue being settled by Hon'ble Jurisdictional High Court's decisions is not in accordance with law?*
>
> *(b) Whether the impugned order is perverse, impossible to perform, contrary to relevant provisions of the Act and Income Tax Rules, 1962*

(hereinafter referred to as 'the Rules') and unlawful to the extent Tribunal remanded the Respondent's issue in dispute relating to transfer pricing adjustment in relation to outstanding receivables, when working capital adjustment stands allowed by Ld. DRP vide directions dated 09.03.2018 (refer para 2.9.7 of said order), though same remains to be given effect to by the Respondent?"

4. Learned counsel for the parties will file before us the record which was made available to the statutory authorities.

5. List the appeal for hearing on 17.10.2023.

RAJIV SHAKDHER, J

TARA VITASTA GANJU, J

MARCH 7, 2023
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