

HIGH COURT FOR THE STATE OF TELANGANA

MAIN CASE No: ITTA No.78 of 2026

PROCEEDINGS SHEET

Sl. No.	Date	ORDER	OFFICE NOTE
1.	08.06.2026	<u>PSK,J & NNR,J</u> Counsel for the appellant: Ms.J.Sunita, learned Senior Standing Counsel for Income Tax Department <u>I.A.No.1 of 2026</u> Dispensed wit for the present. <u>ITTA No.78 of 2026</u> Heard on admission. This appeal is admitted for hearing on the following substantial questions of law: “1. Whether on the facts and circumstances of the case and in law, the order of the ITAT is ex-facie perverse in directing the AO/TPO to exclude the companies (i) M/s.Larsen & Toubro Infotec Ltd., (ii) M/s.Tata Elesi Ltd., (in M/s.Infosys Ltd.,) (iii) M/s.Wipro Ltd., (iv) M/s.Nihilent Ltd., (v) M/s.Great Software Laboratory Pot Ltd., and (vi) M/s.Cubage Software Pvt Ltd as comparables on the ground of functional dissimilarity without appreciating that the functions performed by these comparable companies were broadly similar to those of the assessee as required under Rule 10B(2) of the Income Tax Rules, 1962 and that under Transactional Net Margin Method (TNMM) functional comparability need not be exact or precise? 2. Whether on facts and circumstances of the case and in law, the ITAT is right in not	Transferred to i/o folder, before corrections, if any.

		applying the correct legal principles under Section 92C read with Rule 10B, by including a comparable with a different financial year, thereby vitiating the determination of the arm's length price? 3. Whether on the facts and circumstances of the case and in law, the ITAT is justified in holding that the intimation issued u/s.143(1) of the Act is void ab initio, if issued after the notice u/s.143(2) of the Act, ignoring the fact that the provisions of Section 143(1D) are not applicable for the impugned year as the said provision was deleted by Finance Act 2017 w.e.f.01.04.2017?" Issue notice to the respondent. List the appeal for final hearing in usual course. <u>PSK,J</u> <u>NNR,J</u> <i>nvl</i>	
--	--	--	--

--	--	--	--