

## Principal Commissioner of Income Tax, Central-4 v. Maneesh Pharmaceuticals Pvt. Ltd.

Income Tax Appeal No. 1033 of 2024 with Interim Application No. 7 of 2026

2026:BHC-OS:5036-DB | 2026-02-23

**Search assessment additions (ALP interest adjustment, section 10B disallowance, and section 68 share capital/premium) deleted in absence of incriminating material following Abhisar Buildwell.**

Income-tax Act, 1961: sections 10B, 68, 92CA, 153A and 260A

High Court of Judicature at Bombay | 2-judge bench (Division Bench) | G. S. Kulkarni, J. | Aarti Sathe, J.

Assessment years: 2007-08

### **Jurisdictional disposal under Abhisar Buildwell; underlying merits of sections 10B, 68 and ALP not separately adjudicated**

The Division Bench disposed of the Revenue's appeal solely because counsel for both parties agreed that the requirement of incriminating material found during search was squarely covered against the Revenue by PCIT v. Abhisar Buildwell (P.) Ltd., (2023) 149 taxmann.com 399 (SC). The Court did not adjudicate the substantive merits of the arm's-length interest adjustment, section 10B deduction, or section 68 share-premium addition, nor did it address reassessment powers covered by the observations in Abhisar Buildwell.

### **01 FACTS OF THE CASE**

The Revenue appealed against the ITAT order dated 25.10.2021 for AY 2007-08, which had deleted three search-assessment additions on the ground that they were not based on incriminating material found during the course of search: (i) Rs. 22,80,195 towards arm's-length price adjustment on interest on loan to associated enterprises; (ii) Rs. 3,07,34,644 towards disallowance of deduction under section 10B; and (iii) Rs. 1,07,11,33,200 under section 68 (comprising Rs. 70,42,000 share capital and Rs. 1,06,40,91,200 share premium). The Revenue's memorandum of appeal relied on the pendency of its SLP against All Cargo Global Logistics (SLP Civil Nos. 5254-5265 of 2016).

Source: [Paragraphs 1-2; PDF pp. 1-2](#)

## **02 DISCUSSION BY THE HON'BLE COURT**

Counsel for the respondent-assessee submitted at the outset that the questions framed by the Revenue stood squarely covered against the Department by the Supreme Court decision in Principal Commissioner of Income-tax, Central-3 v. Abhisar Buildwell (P.) Ltd., (2023) 149 taxmann.com 399 (SC). Counsel for the Revenue did not dispute that legal position. Recording this undisputed position, the Division Bench held that the appeal stood squarely covered by Abhisar Buildwell.

Source: [Paragraphs 3-5; PDF p. 2](#)

## **03 JUDICIAL DECISION**

The Income-tax Appeal was disposed of as squarely covered by the Supreme Court decision in Abhisar Buildwell, with no order as to costs, and Interim Application No. 7 of 2026 for early hearing was disposed of as not surviving.

Source: [Paragraphs 5-7; PDF p. 2](#)

## **04 OUTCOME / IN WHOSE FAVOUR**

In favour of the assessee (Maneesh Pharmaceuticals Pvt. Ltd.). The ITAT's deletion of the three additions for AY 2007-08 in the absence of incriminating search material remained undisturbed.

Source: [Paragraphs 5-7; PDF p. 2](#)

## 05 AKHB REVIEW POINT

AKHB analysis: where a search assessment for an unabated assessment year makes additions (including TP adjustments, Chapter III/VI-A deductions, or section 68 credits) unsupported by incriminating material unearthed during the search, Abhisar Buildwell forecloses a section 153A addition. Verify whether the relevant year was unabated on the date of search and whether any separate reassessment notice within statutory limitation was initiated.

Source: [AKHB analysis based on paragraphs 1-6 / PDF pp. 1-2](#)

## SOURCE & VERIFICATION

[Bombay High Court official signed order PDF - AKHB Cloud Repository](#)

Two-page official Bombay High Court signed order PDF (2026:BHC-OS:5036-DB); paragraphs 1-7 span PDF pages 1-2.

Supplied source-reviewed note retained; original bytes and identity validation checked in this release. Substantive re-review is not claimed for this record.

[Open cited source rendition](#)

Full 2-page official Bombay High Court signed PDF read and verified. Original bytes match SHA-256 745ab34f87d6ae3f7836773d90bde3c2d7212d7e455b2dd36cd5c54d8bee6d8.

## STATUTORY SCOPE

Applies the search-assessment regime for AY 2007-08 as interpreted in PCIT v. Abhisar Buildwell (P.) Ltd., (2023) 149 taxmann.com 399 (SC). Post-2021 search reassessment provisions and the Income-tax Act, 2025 are not addressed.

## LATER TREATMENT

Source checked 2026-10-16. Full order checked. Comprehensive subsequent judicial treatment has not been verified.

## AI DISCLOSURE

AI-assisted research checked against the identified source. Extraction, interpretation or omission errors remain possible. Source review does not mean independent approval by a practising professional. Verify every material statement against the complete original judgment.

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