# Commissioner of Income Tax (International Taxation)-1, New Delhi v. Alcatel Lucent France (and connected appeals with Alcatel Lucent International)

ITA 259/2026 (CM APPL. 19472/2026), ITA 260/2026 (CM APPL. 19475/2026), ITA 261/2026 (CM APPL. 19493/2026), ITA 264/2026 (CM APPL. 19502/2026), ITA 265/2026 (CM APPL. 19503/2026)

ITA 259/2026 (CM APPL. 19472/2026), ITA 260/2026 (CM APPL. 19475/2026), ITA 261/2026 (CM APPL. 19493/2026), ITA 264/2026 (CM APPL. 19502/2026), ITA 265/2026 (CM APPL. 19503/2026) (Delhi High Court, 2026-03-27) | 2026-03-27

## Five connected software-royalty appeals dismissed as covered against Revenue by Engineering Analysis.

Income-tax Act,1961: sections 9(1)(vi), 260A | India-France DTAA: Article12

High Court of Delhi | 2-judge bench (Division Bench) | Dinesh Mehta, J. | Vinod Kumar, J.

Assessment years: Not specified in order text

### 01 FACTS OF THE CASE

Revenue brought five connected section 260A appeals: ITA 259,260,261,264 and 265 of 2026, against the Alcatel Lucent entities named in the captions. The stated question concerned income from software supplied embedded in hardware or otherwise to Indian customers and its treatment as royalty under section 9(1)(vi) and Article 12 of the India-France DTAA.

Source: PDF pp.1–3, captions and para 1

## 02 DISCUSSION BY THE HON'BLE COURT

The Court held that the proposed question was covered against Revenue by Engineering Analysis Centre of Excellence Pvt. Ltd. v. CIT [2021] 432 ITR 471 (SC). The supplied order records no intervening coordinate-Bench decision, Revenue concession or assessment-year allocation.

Source: PDF p.3, paras 2–3

## 03 JUDICIAL DECISION

Finding that no substantial question of law arose, the Court dismissed the present batch of appeals.

Source: PDF p.3, paras 3–4

## 04 OUTCOME / IN WHOSE FAVOUR

All five captioned Revenue appeals dismissed in favour of the respondent assessees.

Source: PDF p.3, para 4

## 05 EXPERT COMMENTS

AKHB Expert Comments — editorial analysis, distinct from the Court's findings.

The holding is tied to the stated software question: The Court applied Engineering Analysis to the question framed under section 9(1)(vi) and Article 12 of the India-France DTAA. The wording includes software embedded in hardware or supplied otherwise; it is not confined in this order to a separately described telecom transaction. The judgment establishes that this batch raised no substantial question on that issue. (PDF p.3, paras 1–4)

A short application of precedent does not supply contract facts: The order does not reproduce licences, the rights granted, consideration, or the underlying Tribunal's analysis. It therefore cannot by itself establish how every French software supplier's contracts should be characterised. For practical use, the terms of the transaction must be matched to the cited authority rather than treating the nationality of the supplier or embedding of software as sufficient analysis. (PDF p.3, paras 1–3)

Retain all five appellate identities: A common disposal does not erase the separate appeals or captioned Alcatel entities. Pages 1–2 identify five dockets, while the order gives no assessment years or Tribunal appeal numbers. Those absent particulars should be obtained from the underlying records before any year-by-year application; they cannot be reconstructed from the shared royalty issue. (PDF pp.1–3, captions and para 4)

Source: PDF p.3, paras1–4

## SOURCE & VERIFICATION

Original judgment PDF (DLHC010819952022_1_2026-03-27.pdf)

Complete 3-page original read and every page visually reviewed; source bytes verified. Commentary is editorial analysis of this order, not current-law clearance.

Full original and all five note panels re-reviewed on 21 October 2026; unsupported supplied assertions removed.

Open cited source rendition

Complete original source and all five note panels checked; original docket identities preserved.

## STATUTORY SCOPE

Only provisions expressly stated in this order are indexed. Subsequent treatment and current law have not been independently verified.

## LATER TREATMENT

Source checked 2026-10-21. Subsequent proceedings and current judicial treatment have not been independently 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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