



NC: 2025:KHC:34539-DB  
ITA No. 121 of 2024  
C/W ITA No. 124 of 2024  
ITA No. 125 of 2024  
AND 1 OTHER

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 3<sup>RD</sup> DAY OF SEPTEMBER, 2025**

**PRESENT**

**THE HON'BLE MR. JUSTICE S.G.PANDIT**

**AND**

**THE HON'BLE MR. JUSTICE K. V. ARAVIND**

**INCOME TAX APPEAL No. 121 OF 2024**

**C/W**

**INCOME TAX APPEAL No. 124 OF 2024**

**INCOME TAX APPEAL No. 125 OF 2024**

**INCOME TAX APPEAL No. 126 OF 2024**

**IN ITA No. 121/2024**

**BETWEEN:**

1. PRINCIPAL COMMISSIONER OF INCOME TAX  
(INTERNATIONAL TAXATION),  
KORAMANGALA,  
BANGALORE.
2. THE DEPUTY COMMISSIONER OF INCOME TAX  
INTERNATIONAL TAXATION ,  
CIRCLE 1(1), KORAMANGALA,  
BANGALORE.

...APPELLANTS

(BY SRI E.I. SANMATHI, SENIOR STANDING COUNSEL)

**AND:**

1. M/S GOLDMAN SACHS SERVICES PVT. LTD.,  
WING A, WING B AND GROUND FLOOR TO





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6<sup>TH</sup> FLOOR OF WING C,  
HELIOS BUSINESS PARK,  
150 OUTER RING KADUBEESANAHALLI,  
BANGALORE -560103.  
PAN: AACCG2435N,  
REPRESENTED BY ITS DIRECTOR

...RESPONDENT

THIS ITA / INCOME TAX APPEAL FILED UNDER SECTION 260-A OF INCOME TAX ACT 1961, ARISING OUT OF ORDER DATED 29.04.2022 PASSED IN IT(IT)A No.366/BANG/2020 FOR THE ASSESSMENT YEAR 2015-16 PRAYING TO DECIDE THE FOREGOING QUESTION OF LAW AND/OR SUCH OTHER QUESTIONS OF LAW AS MAY BE FORMULATED BY THE HON'BLE COURT AS DEEMED FIT AND SET ASIDE THE APPELLATE ORDER DATED 29.04.2022 PASSED BY THE INCOME TAX APPELLATE TRIBUNAL, A BENCH, BANGALORE, AS SOUGHT FOR, IN THE RESPONDENT-ASSESSEES CASE, IN APPEAL PROCEEDINGS IN IT(IT)A No.366/BANG/2020 FOR A.Y 2015-16 (ANNEXURE-A).

**IN ITA No. 124/2024**

**BETWEEN:**

1. PRINCIPAL COMMISSIONER OF INCOME TAX  
(INTERNATIONAL TAXATION),  
KORAMANGALA,  
BANGALORE.
2. THE DEPUTY COMMISSIONER OF INCOME TAX  
INTERNATIONAL TAXATION ,  
CIRCLE 1(1), KORAMANGALA,  
BANGALORE.

...APPELLANTS

(BY SRI E.I. SANMATHI, SENIOR STANDING COUNSEL)



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**AND:**

1. M/S GOLDMAN SACHS SERVICES PVT. LTD.,  
WING A, WING B AND GROUND FLOOR TO  
6<sup>TH</sup> FLOOR OF WING C,  
HELIOS BUSINESS PARK,  
150 OUTER RING KADUBEESANAHALLI,  
BANGALORE -560103.  
PAN: AACCG2435N,  
REPRESENTED BY ITS DIRECTOR

...RESPONDENT

THIS ITA / INCOME TAX APPEAL FILED UNDER SECTION 260-A OF INCOME TAX ACT 1961, ARISING OUT OF ORDER DATED 29.04.2022 PASSED IN IT(IT)A No.369/BANG/2020 FOR THE ASSESSMENT YEAR 2018-19 PRAYING TO DECIDE THE FOREGOING QUESTION OF LAW AND/OR SUCH OTHER QUESTIONS OF LAW AS MAY BE FORMULATED BY THE HON'BLE COURT AS DEEMED FIT AND SET ASIDE THE APPELLATE ORDER DATED 29.04.2022 PASSED BY THE INCOME TAX APPELLATE TRIBUNAL, A BENCH, BANGALORE, AS SOUGHT FOR, IN THE RESPONDENT-ASSESSEES CASE, IN APPEAL PROCEEDINGS IN IT(IT)A No.369/BANG/2020 FOR A.Y 2018-19 (ANNEXURE-A).

**IN ITA No. 125/2024**

**BETWEEN:**

1. PRINCIPAL COMMISSIONER OF INCOME TAX  
(INTERNATIONAL TAXATION),  
KORAMANGALA, BANGALORE.
2. THE DEPUTY COMMISSIONER OF INCOME TAX  
INTERNATIONAL TAXATION ,  
CIRCLE 1(1), KORAMANGALA,  
BANGALORE.

...APPELLANTS

(BY SRI E.I. SANMATHI, SENIOR STANDING COUNSEL)



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**AND:**

1. M/S GOLDMAN SACHS SERVICES PVT. LTD.,  
WING A, WING B AND GROUND FLOOR TO  
6<sup>TH</sup> FLOOR OF WING C,  
HELIOS BUSINESS PARK,  
150 OUTER RING KADUBEESANAHALLI,  
BANGALORE -560103.  
PAN: AACCG2435N,  
REPRESENTED BY ITS DIRECTOR

...RESPONDENT

THIS ITA / INCOME TAX APPEAL FILED UNDER SECTION 260-A OF INCOME TAX ACT 1961, ARISING OUT OF ORDER DATED 29.04.2022 PASSED IN IT(IT)A No.365/BANG/2020 FOR THE ASSESSMENT YEAR 2014-15 PRAYING TO DECIDE THE FOREGOING QUESTION OF LAW AND/OR SUCH OTHER QUESTIONS OF LAW AS MAY BE FORMULATED BY THE HON'BLE COURT AS DEEMED FIT AND SET ASIDE THE APPELLATE ORDER DATED 29.04.2022 PASSED BY THE INCOME TAX APPELLATE TRIBUNAL, A BENCH, BANGALORE, AS SOUGHT FOR, IN THE RESPONDENT-ASSESSEES CASE, IN APPEAL PROCEEDINGS IN IT(IT)A No.365/BANG/2020 FOR A.Y 2014-15 (ANNEXURE-A).

**IN ITA No. 126/2024**

**BETWEEN:**

1. PRINCIPAL COMMISSIONER OF INCOME TAX  
(INTERNATIONAL TAXATION),  
KORAMANGALA, BANGALORE.
2. THE DEPUTY COMMISSIONER OF INCOME TAX  
INTERNATIONAL TAXATION ,  
CIRCLE 1(1), KORAMANGALA,  
BANGALORE.

...APPELLANTS

(BY SRI E.I. SANMATHI, SENIOR STANDING COUNSEL)



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BANGALORE -560103.  
PAN: AACCG2435N,  
REPRESENTED BY ITS DIRECTOR

...RESPONDENT

THIS ITA / INCOME TAX APPEAL FILED UNDER SECTION 260-A OF INCOME TAX ACT 1961, ARISING OUT OF ORDER DATED 29.04.2022 PASSED IN IT(IT)A No.367/BANG/2020 FOR THE ASSESSMENT YEAR 2016-17 PRAYING TO DECIDE THE FOREGOING QUESTION OF LAW AND/OR SUCH OTHER QUESTIONS OF LAW AS MAY BE FORMULATED BY THE HON'BLE COURT AS DEEMED FIT AND SET ASIDE THE APPELLATE ORDER DATED 29.04.2022 PASSED BY THE INCOME TAX APPELLATE TRIBUNAL, A BENCH, BANGALORE, AS SOUGHT FOR, IN THE RESPONDENT-ASSESSEES CASE, IN APPEAL PROCEEDINGS IN IT(IT)A No.367/BANG/2020 FOR A.Y 2016-17 (ANNEXURE-A).

THESE APPEALS COMING ON FOR ORDERS THIS DAY,  
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT  
and  
HON'BLE MR. JUSTICE K. V. ARAVIND



**ORAL JUDGMENT**

(PER: HON'BLE MR. JUSTICE S.G.PANDIT)

The four batch of appeals are filed raising the following common substantial questions of law:

*"1. "Whether on the facts and in the circumstances of the case, the Tribunal's order is perverse in nature in by holding that services rendered by assessee are not in nature of FTS and as such Section 9 of the Act read with provisions of DTAA of respective countries are not applicable by relying upon case of M/s.Abbey Business services India P.Ltd which is distinguishable from the facts of this case and not considering the case of M/s.Centrica India Offshore P.Ltd on identical issue relied upon by Revenue"?*

*2. "Whether on the facts and in the circumstances of the case, the Tribunal's order is perverse in nature in holding nature of services rendered cannot be said as Fee for Technical Services ignoring that the conditions set out definition clause of in Explanation 2 to Section 9(1)(vii) of the Act and the Double Taxation Avoidance Agreement as well are fully satisfied in present case "?*

*3. 'Whether on the facts and in the circumstances of the case, the Tribunal's order is perverse in nature in ignoring the various clauses of the Agreement which signified that the overseas entity through the employees rendered technical, managerial and consultancy services, thus satisfying FTS as per the provisions of the Act and also under DTAA"?"*

2. Sri.E.I.Sanmathi, learned Senior Standing Counsel appearing for the appellants-Revenue would



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contend that the services rendered by the assessee are in the nature of technical services and it would not fall within the employer and employee relationship. Further, learned counsel would refer to page 68 of the paper book, wherein, clauses of the agreements are extracted in the order of the Commissioner of Income Tax, (Appeals) dated 19.02.2020.

3. On hearing learned counsel for the appellants-Revenue, we are of the considered view that the questions raised by the appellants-revenue are answered by the Coordinate Benches of this Court in the case of ***Director of Income Tax (International Taxation) vs. Abbey Business Services India (P) Ltd., [(2020) 122 taxmann.com 174]*** and in the case of ***Deputy Commissioner of Income Tax (International Taxation) and others vs. M/s. Flipkart Internet Pvt. Ltd., [(2025) SCC OnLine Kar 16629]***. The Coordinate Benches after considering the clauses and the contentions raised by the appellants-Revenue has held that, such



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technical services provided by the assessee are in the nature of reimbursement which falls within the employer and employee relationship. Thus, we are of the considered opinion that the substantial questions of law raised in these appeals would no more survive for consideration.

4. Accordingly, by following the above two decisions of the Coordinate Benches, the above appeals stand ***dismissed***.

**Sd/-  
(S.G.PANDIT)  
JUDGE**

**Sd/-  
(K. V. ARAVIND)  
JUDGE**