

**IT/ILT : In Transfer Pricing study, foreign AE can be a tested party provided following criteria are met satisfactorily:**

- (i) Tested party should be least complex party to controlled transactions.
- (ii) Availability of most reliable data of tested party and requirement of minimum adjustments being one of important aspect in selection of tested party.
- (iii) Financial details of comparables for purpose of benchmarking international transaction must be publicly and easily available.

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**[2018] 93 taxmann.com 79 (Delhi - Trib.)**

**IN THE ITAT DELHI BENCH 'I-1'**

**Moser Baer India Ltd.**

**v.**

**Deputy Commissioner of Income-tax, Circle 5(1) New Delhi**

N.K SAINI, ACCOUNTANT MEMBER

AND SMT. BEENA A. PILLAI, JUDICIAL MEMBER

IT APPEAL NOS. 883,894 (DELHI) OF 2008 & 988, 1139, 4484 (DELHI) OF 2013

[ASSESSMENT YEAR 2003-04]

MAY 1, 2018

**Upvan Gupta, CA** *for the Appellant.* **Sanjay I. Bara, CIT, D.R.** *for the Respondent.*

**ORDER**