

IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH 'SMC-1' : NEW DELHI

BEFORE SHRI G.C. GUPTA, VICE PRESIDENT

ITA No.2309/Del/2014
Assessment Year : 2006-07

M/s Dependable Transport
Pvt.Ltd.,
1027, Top Floor, Ward No.8,
Mehra Chowk, Mehrauli,
New Delhi – 110 030.
PAN : AACCD0468Q.
(Appellant)

Vs. Assistant Commissioner of
Income Tax,
Central Circle-13,
New Delhi.
(Respondent)

Appellant by : Shri Surender Kumar, CA.
Respondent by : Shri Amrit Lal, DR.

Date of hearing : 21.09.2015
Date of pronouncement : 05.10.2015

ORDER

This appeal by the assessee for the assessment year 2006-07 is directed against the order of learned CIT(A)-XXV, New Delhi dated 6th January, 2014.

2. The only ground of appeal of the assessee is as under:-

“That the order dated 16-01-2014 passed u/s 250(6) of the Income Tax Act, 1961 by the learned Commissioner of Income-tax (Appeals) XXV, New Delhi is against law and facts on the file in as much as he was not justified to uphold the action of the learned Asstt Commissioner of Income Tax, Central Circle-13, New Delhi in making addition of additional sum of Rs.79,845/- by taking recourse to the provisions of Section 14A of the Income-tax Act, 1961 read together with Rule 8D of the Income Tax Rules, 1962 on account of expenses incurred for earning exempt income.”

3. Learned counsel for the assessee submitted that the only addition in this case was of ₹79,845/-. He submitted that there was no exempt income during the year and therefore, the provisions of Section 14A do not apply. He referred to Schedule-9 of the audited account filed with the Assessing Officer wherein there was no exempt income.

4. Learned DR could not controvert the submissions of the learned counsel for the assessee.

5. I have considered the rival submissions and have perused the order of the Assessing Officer and the learned CIT(A). It is an admitted fact that there was no exempt income earned by the assessee as is also evident from Schedule-9 of the accounts and, therefore, the provisions of Section 14A were not applicable to the case of the assessee. Accordingly, the ground of appeal of the assessee is allowed.

6. In the result, the appeal of the assessee is allowed.

Decision pronounced in the open Court on 05.10.2015.

Sd/-

(G.C. GUPTA)
VICE PRESIDENT

VK.

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1. Appellant : **M/s Dependable Transport Pvt.Ltd.,
1027, Top Floor, Ward No.8,
Mehra Chowk, Mehrauli, New Delhi – 110 030.**
2. Respondent : **Assistant Commissioner of Income Tax,
Central Circle-13, New Delhi.**
3. CIT
4. CIT(A)
5. DR, ITAT

Assistant Registrar