

IN THE INCOME TAX APPELLATE TRIBUNAL  
DELHI BENCH 'E' : NEW DELHI

BEFORE SHRI G.D. AGRAWAL, VICE PRESIDENT AND  
SHRI CHANDRA MOHAN GARG, JUDICIAL MEMBER

ITA No.5782/Del/2012  
Assessment Year : 2009-10

Assistant Commissioner of  
Income-tax,  
Circle-13(1),  
New Delhi.

(Appellant)

Vs. M/s Nuwave E-Solutions Pvt.Ltd.,  
3<sup>rd</sup> Floor, District Centre,  
DDA Building, Nehru Place,  
New Delhi – 110 028.  
PAN : AABCN5790Q.

(Respondent)

Appellant by : Shri Rakesh Gupta, Advocate and  
Shri Prakash Gupta, CA.  
Respondent by : Shri P. Dam Kanunjna, Senior DR.

Date of hearing : 08.12.2015  
Date of pronouncement : 15.12.2015

**ORDER**

**PER G.D. AGRAWAL, VP :-**

This appeal by the Revenue for the assessment year 2009-10 is directed against the order of learned CIT(A)-XVI, New Delhi dated 31<sup>st</sup> July, 2012.

2. The only ground raised by the Revenue is against deletion of addition made on account of disallowance u/s 14A amounting to ₹14 lakhs by the learned CIT(A).

3. We have heard both the sides and perused relevant material placed before us. We find this issue to be covered in favour of the assessee by the decision of Hon'ble Jurisdictional High Court in the case of Cheminvest Limited Vs. CIT-VI in ITA No.749/2014, order dated 2<sup>nd</sup> September, 2015 and CIT-IV Vs. Holcim India P.Ltd. in ITA

No.486/2014 & 299/2014, order dated 5<sup>th</sup> September, 2014, wherein Hon'ble Jurisdictional High Court has held that if there is no exempt income, then no disallowance u/s 14A of the Act can be made. Admittedly, in the case of the assessee, there is no exempt income. Therefore, respectfully following the above decisions of Hon'ble Jurisdictional High Court, we delete the disallowance made u/s 14A of the Act.

4. In the result, the appeal of the Revenue is dismissed.  
Decision pronounced in the open Court on 15.12.2015.

Sd/-  
(CHANDRA MOHAN GARG)  
JUDICIAL MEMBER

Sd/-  
(G.D. AGRAWAL)  
VICE PRESIDENT

VK.

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1. Appellant : Assistant Commissioner of Income-tax,  
Circle-13(1), New Delhi.
2. Respondent : M/s Nuwave E-Solutions Pvt.Ltd.,  
3<sup>rd</sup> Floor, District Centre,  
DDA Building, Nehru Place,  
New Delhi – 110 028.
3. CIT
4. CIT(A)
5. DR, ITAT

Assistant Registrar