

IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCHES : B : NEW DELHI

BEFORE SHRI R.S. SYAL, VICE PRESIDENT
AND
MS SUCHITRA KAMBLE, JUDICIAL MEMBER

ITA No.4164/Del/2017
Assessment Year : 2014-15

Stay Application No.355/Del/2017
(ITA No.4164/Del/2017)
Assessment Year : 2014-15

Shanghai Electric Group Co. Ltd.,
C/o M/s SRBC & Associates LLP,
4th and 5th Floor, Plot No.28,
Tower-2, Sector 126,
Noida - 201304

Vs. DCIT,
Circle 3(1)(2),
International Taxation,
New Delhi.

PAN : AAPCS1357N

(Appellant)

(Respondent)

Assessee By : Shri Deepak Chopra &
Shri Harpreet Ajman, , Advocates
Department By : Shri Atiq Ahmad Sr. DR

Date of Hearing : 15.09.2017
Date of Pronouncement : 15.09.2017

ORDER

PER R.S. SYAL, VP:

This appeal by the assessee is directed against the final assessment order dated 26.05.2017 passed by the Assessing Officer u/s 143(3) read with section 144C of the Income-tax Act, 1961 (hereinafter also called 'the Act') in relation to the assessment year 2014-15.

2. We have heard both the sides and perused the relevant material on record. The assessee in the instant appeal is aggrieved against the rejection of claim u/s 44BB of the Act/Allegation of existence of fixed Permanent establishment; Taxability of offshore supply; and chargeability of interest u/s 234B of the Act. It is noticed, as has also been admitted by both the sides, that similar issues were raised in the appeals filed by the assessee for the assessment years 2007-08 to 2013-14. The Tribunal, vide its order dated 14.07.2017 in ITA Nos.224/Del/2014 etc., has dismissed all the grounds raised by the assessee except for the levy of interest u/s 234B. The ld. AR fairly conceded that the facts and circumstances of the instant appeal are, *mutatis mutandis*, similar to those of the earlier disposed of by the

Bench. Respectfully following the precedent, we dismiss all the grounds taken by the assessee except the ground No.5 relating to levy of interest u/s 234B, which is hereby allowed.

3. In view of our above disposal of the appeal itself, the stay application has become infructuous and the same is, accordingly, dismissed.

4. In the result, the appeal of the assessee is partly allowed and the stay application is dismissed.

The order pronounced in the open court on 15.09.2017.

Sd/-

[SUCHITRA KAMBLE]
JUDICIAL MEMBER

Sd/-

[R.S. SYAL]
VICE PRESIDENT

Dated, 15th September, 2017.

dk

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT (A)
5. DR, ITAT

AR, ITAT, NEW DELHI.