

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

BEFORE SHRI R.S. SYAL, VICE PRESIDENT  
AND  
SHRI KULDIP SINGH, JUDICIAL MEMBER

ITA No.364/Del/2015  
Assessment Year : 2011-12

DCIT,  
Circle 18(1),  
New Delhi.

Vs. New Line Developers Pvt. Ltd.,  
11<sup>th</sup> Floor, Narain Manzil,  
22, Barakhamba Road,  
New Delhi.

PAN: AACCN3847R

(Appellant)

(Respondent)

Assessee By : Shri R.M. Mehta, Advocate  
Department By : Shri Arun Kumar Yadav, Sr. DR

Date of Hearing : 23.10.2017  
Date of Pronouncement : 24.10.2017

ORDER

PER R.S. SYAL, VP:

This appeal by the Revenue is directed against the order passed by  
the ld. CIT(A) on 27.10.2014 in relation to the assessment year 2011-12.

2. There is a delay of 13 days in filing the appeal by the Revenue. The Id. DR explained the reasons with which we are satisfied. The Id. AR did not raise any serious objection to it. We, therefore, condone the delay and admit the appeal for hearing.

3. The following grounds have been raised in this appeal:-

“1. Whether on the facts and circumstances of the case & in law, the Id.CIT(A) has erred in giving relief amounting to Rs.1,57,56,000/- to the assessee and holding that neither any interest had accrued on the commitment deposit nor any interest is collected by the assessee?

2. Whether on the facts and circumstances of the case & in law, the Id.CIT(A) has erred in not appreciating the facts mentioned by the A.O. in his order that the assessee had full right to recover the demand?

3. Whether on the facts and circumstances of the case & in law, the Id.CIT(A) has erred by ignoring the fact that the assessee is following mercantile system of accounting and as per the provisions of the mercantile system of accounting, any income due to the assessee in the previous year, though may not have actually received shall be added as income on accrual/notional basis?

4. That the order of the Id.CIT(A) is erroneous and is not tenable on facts and in law.

5. That the grounds of appeal are without prejudice to each other.”

4. We have heard the rival submissions and perused the relevant material on record. It is seen that similar issues were raised in the Revenue's appeal for the assessment year 2009-10. The Tribunal, vide

its order dated 20.03.2017 in ITA No.733/Del/2014, has dismissed the Revenue's appeal upholding the order of the CIT(A) on this issue. The ld. DR candidly admitted that the facts and circumstances of the instant appeal are *mutatis mutandis* similar to those of assessment year 2009-10. Respectfully following the precedent, we uphold the impugned order.

5. In the result, the appeal filed by the Revenue is dismissed.

The order pronounced in the open court on 24.10.2017.

Sd/-

[KULDIP SINGH]  
JUDICIAL MEMBER

Sd/-

[R.S. SYAL]  
VICE PRESIDENT

Dated, 24<sup>th</sup> October, 2017.

dk

Copy forwarded to:

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

AR, ITAT, NEW DELHI.