

IN THE INCOME TAX APPELLATE TRIBUNAL “SMC” BENCH : KOLKATA

[Before Shri J.Sudhakar Reddy, AM]

I.T.A No. 1785/Kol/2017

Assessment Year : 2011-12

ITO, Ward-4(2), Kolkata

-vs-

M/s Madhumalati Merchandise Pvt. Ltd.

(Appellant)

[PAN: AABCM 7622 G]

(Respondent)

For the Appellant : Shri Sanjay Mukherjee, Addl. CIT

For the Respondent : None

Date of Hearing : 28.12.2017

Date of Pronouncement : 28.12.2017

ORDER

This appeal by the assessee arises out of the order of the Learned Commissioner of Income Tax (Appeals)-15, Kolkata [in short the Id CITA] dated 09.05.2017 against the order passed by the ITO, Ward-7(1), Kolkata [in short the Id AO] under section 143(3) of the Income Tax Act, 1961 (in short “the Act”) dated 28.02.2014 for the Assessment Year 2011-12.

2. None appeared on behalf of the assessee.

3. After hearing the Ld. DR, I dispose of this case on merits qua the assessee by holding as follows.

4. The Ld. CIT(A) has rightly deleted the disallowance u/s 14A as there is no exempt income earned by the assessee during the year. The judgment of the Hon’ble Delhi High Court in the case of CIT vs. M/s Holcim India Pvt. Ltd. (2014) 90 CCH 0081 was rightly applied. Hence, this ground of the revenue is dismissed.

5. The second ground is on the addition made u/s 2(22)e the Ld. CIT(A) held that Section 2(22)(e) is not attracted as the assessee is not registered shareholder and hence the addition is bad in law. This proposition is upheld by the Hon'ble Supreme Court in the case of CIT vs. Madhu Housing and Development Company judgment dated 20.10.2017. Hence, this ground of the revenue is dismissed.

6. In the result, the appeal of the revenue is dismissed.

Order pronounced in the Court on 28.12.2017

Sd/-
[J. Sudhakar Reddy]
Accountant Member

Dated : 28.12.2017
SB, Sr. PS

Copy of the order forwarded to:

1. ITO, Wd-4(2) Kolkata, 7th Floor, Aayakar Bhawan, P-7, Chowringhee Square, Kolkata-69.
2. M/s Madhumalati Merchandise Pvt. Ltd., 19, K.C.Road, Kolkata-700002
- 3..C.I.T.(A)- , Kolkata 4. C.I.T.- Kolkata.
5. CIT(DR), Kolkata Benches, Kolkata.

True copy

By Order
Senior Private Secretary
Head of Office/D.D.O., ITAT, Kolkata Benches