

आयकर अपीलीय अधिकरण, 'सी' न्यायपीठ, चेन्नई

IN THE INCOME TAX APPELLATE TRIBUNAL

'C' BENCH, CHENNAI

श्री एन.आर.एस. गणेशन, न्यायिक सदस्य एवं श्री एस जयरामन, लेखा सदस्य केसमक्ष

BEFORE SHRI N.R.S. GANESAN, JUDICIAL MEMBER AND
SHRI S. JAYARAMAN, ACCOUNTANT MEMBER

आयकर अपील सं./ITA No.1122/Mds/2017

निर्धारण वर्ष / Assessment Year : 2010-11

The Deputy Commissioner of
Income Tax,
Corporate Circle – 2(2),
Chennai - 600 034.

v. M/s Indowind Energy Limited,
4th floor, Kothari Building,
114, M.G. Road, Nungambakkam,
Chennai - 600 034.

(अपीलार्थी/Appellant)

PAN : AAACI 1806 M

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से/Appellant by : Shri N. Madhavan, Addl.CIT

प्रत्यर्थी की ओर से/Respondent by : Shri S. Sridhar, Advocate

सुनवाई की तारीख/Date of Hearing : 01.01.2018

घोषणा की तारीख/Date of Pronouncement : 05.01.2018

आदेश /O R D E R

PER N.R.S. GANESAN, JUDICIAL MEMBER:

This appeal of the Revenue is directed against the order of the Commissioner of Income Tax (Appeals)-6, Chennai, dated 27.02.2017 and pertains to assessment year 2010-11.

2. The only issue arises for consideration is with regard to disallowance on the claim of excess depreciation under MAT computation.

3. We heard Shri N. Madhavan, the Ld. Departmental Representative and Shri S. Sridhar, the Ld.counsel for the assessee. From the order of the CIT(Appeals) it appears that in the assessee's own case for assessment year 2008-09 in I.T.A. No.936 & 937/Mds/2015, this Tribunal considered an identical issue and a similar claim of the assessee was allowed by this Tribunal. The only objection of the Ld. D.R. before this Tribunal is that there was a circular issued by the CBDT in Circular No.2/89 dated 07.03.1989. A perusal of the above order of this Tribunal clearly shows that this Tribunal has considered the circular said to be issued by the CBDT while deciding the issue.

4. In view of the above, this Tribunal does not find any reason to interfere with the order of the lower authority and accordingly the same is confirmed.

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

Order pronounced on 5th January, 2018 at Chennai.

sd/-

(एस जयरामन)

(S. Jayaraman)

लेखा सदस्य/Accountant Member

sd/-

(एन.आर.एस. गणेशन)

(N.R.S. Ganesan)

न्यायिक सदस्य/Judicial Member

चेन्नई/Chennai,

दिनांक/Dated, the 5th January, 2018.

Kri.

आदेश की प्रतिलिपि अग्रेषित/Copy to:

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकर आयुक्त (अपील)/CIT(A)-6, Chennai
4. Principal CIT- 2, Chennai
5. विभागीय प्रतिनिधि/DR
6. गार्ड फाईल/GF.