

**IN THE INCOME TAX APPELLATE TRIBUNAL
AHMEDABAD "A" BENCH, AHMEDABAD**

**BEFORE SHRI RAJPAL YADAV, JUDICIAL MEMBER AND
SHRI N.K. BILLAIYA, ACCOUNTANT MEMBER**

**ITA No.408/Ahd/2016
Assessment Year: 2012-13**

Dy. Commissioner of Income Tax, vs. Shilp Gravures Limited,
Circle - 4(1)(1), Ahmedabad. 101, Kashi Parekh Complex,
B/h. Bhagwati Chambers,
CG Road, Navrangpura,
Ahmedabad - 380 009.
[PAN – AADCS 0868 G]
(Appellant) (Respondent)

Appellant by : Albinus Tirkey, Sr. D.R.
Respondent by : R.T. Shah, A.R.

Date of hearing : 21.02.2018
Date of pronouncement : 23.02.2018

ORDER

PER N.K. BILLAIYA, ACCOUNTANT MEMBER

1. This appeal by the Revenue is directed against the order of the CIT(A)-8, Ahmedabad dated 17.12.2015 pertaining to Assessment Year 2012-13.
2. The only grievance of the Revenue is that the CIT(A) erred in deleting the disallowance under section 80IA of the Income Tax Act, 1961 amounting to Rs.68,69,317/- made by the Assessing Officer.
3. AT the very outset, the learned counsel for the assessee stated that the impugned issue has been decided by the Tribunal in favour of the assessee and against the Revenue in assessment years 2009-10 & 2010-11. The learned Departmental Representative could not bring any distinguishing decision in favour of the Revenue.
4. We have given a thoughtful consideration to the orders of the authorities below qua the issue. We find force in the contention of the learned counsel. A similar issue was considered by the Tribunal in ITA No.2018/Ahd/2013 for the

Assessment Year 2010-11 and in ITA No.2290/Ahd/2012 for the Assessment Year 2009-10. The relevant finding of the Tribunal reads as under :-

“9. We have given a thoughtful consideration to the facts in issues and the orders of the authorities below. We find that the facts of the case in hand are identical to the facts which were before the Hon'ble High Court of Madras in the case of Velayuddhaswamy Spinning Mills Pvt. Ltd. We find that the First Appellate Authority has drawn support from the decision of the Hon'ble Madras High Court and has rightly held the assessee eligible for the claim of deduction u/s. 80IA of the Act. We, therefore, decline to interfere. Ground no.1 is accordingly dismissed.”

5. Respectfully following the findings of the co-ordinate bench, we do not find any error or infirmity in the findings of the CIT(A).

6. Appeal filed by the Revenue is accordingly dismissed.

(Order pronounced in the open Court on this 23rd day of February, 2018)

Sd/-
Rajpal Yadav
(Judicial Member)

Sd/-
N.K. Billaiya
(Accountant Member)

Ahmedabad, the 23rd day of February, 2018

PBN/*

Copies to:	(1)	The appellant	(2)	The respondent
	(3)	CIT	(4)	CIT(A)
	(5)	Departmental Representative	(6)	Guard File

By order

Assistant Registrar
Income Tax Appellate Tribunal
Ahmedabad benches, Ahmedabad