

IN THE INCOME TAX APPELLATE TRIBUNAL
"I" Bench, Mumbai
Before S/Shri B.R.Baskaran (AM) & Amarjit Singh (JM)
I.T.A. No. 5311/Mum/2016 (Assessment Year 2013-14)

DCIT 4(2)(2) Room No. 640 Aayakar Bhavan M.K. Road Mumbai-400 020.	Vs.	M/s. Harainagar Sugar Mills Ltd. World Trade Centre No. 1, 10 th Floor Cuffe Parade, Colaba Mumbai-400 005. PAN :AACH2831H
(Appellant)		(Respondent)

Assessee by	Shri Jayesh Desai
Department by	Shri Saurabh Deshpande
Date of Hearing	2.5.2018
Date of Pronouncement	2.5.2018

ORDER

Per B.R. Baskaran (AM) :-

The appeal filed by the Revenue is directed against the order dated 16.6.2016 passed by the learned CIT(A)-9, Mumbai and it relates to A.Y. 2013-14. The Revenue is aggrieved by the decision of the learned CIT(A) in holding that the subsidy received by the assessee under Bihar Incentive Package scheme is capital in nature and is not required to be deducted from the cost/WDV of plant and machinery.

2. At the time of hearing, both the parties accepted the fact that this issue has already been decided by the Coordinate Bench of the Tribunal in assessee's own case relating to A.Y. 2008-09 in ITA No. 772/Mum/2012 dated 31.1.2014, in favour of the assessee holding that the capital subsidy received by the assessee under Bihar Incentive Package Scheme cannot be deducted from WDV of the plant and machinery. The order so passed by the Tribunal for A.Y. 2008-09 has since been upheld by the Hon'ble Bombay High Court, vide its order dated 4.1.2017, passed in Income Tax Appeal No. 1132 of 2014.

3. We noticed that the learned CIT(A) has followed the decision rendered by the Coordinate Bench in assessee's own case for A.Y. 2008-09 and 2009-10, for deciding this issue in favour of the assessee. Since the order passed by the Tribunal in A.Y. 2008-09 has been upheld by Hon'ble Bombay High Court, we do not find any reason to interfere with the order passed by the learned CIT(A) on this issue.

4. In the result, appeal filed by the Revenue is dismissed.
Order has been pronounced in the Court on 2.5.2018.

Sd/-
(AMARJIT SINGH)
JUDICIAL MEMBER

Sd/-
(B.R. BASKARAN)
ACCOUNTANT MEMBER

Mumbai; Dated : 2/5/2018

Copy of the Order forwarded to :

1. The Appellant
2. The Respondent
3. The CIT(A)
4. CIT
5. DR, ITAT, Mumbai
6. Guard File.

//True Copy//

PS

BY ORDER,

(Senior Private Secretary)
ITAT, Mumbai