

आयकर अपीलीय अधिकरण, 'डी' न्यायपीठ, चेन्नई।  
**IN THE INCOME TAX APPELLATE TRIBUNAL  
'D' BENCH: CHENNAI**

श्री जॉर्ज माथन, न्यायिक सदस्य एवं  
श्री एस जयरामन, लेखा सदस्य के समक्ष  
**BEFORE SHRI GEORGE MATHAN, JUDICIAL MEMBER AND  
SHRI S. JAYARAMAN, ACCOUNTANT MEMBER**

आयकर अपील सं./ITA No.2999/Chny/2017  
निर्धारण वर्ष /Assessment Year: 2012-13

The Asst. Commissioner of Income-  
Tax (Exemptions),  
Coimbatore.

**Vs.** M/s. Al Ameen Educational –  
and Charitable Trust,  
Karundevanpalayam,  
Nanjai Uthukuli Post,  
Erode-638 104.

(अपीलार्थी/Appellant)

**[PAN: AAATA 7129 G]**  
(प्रत्यर्थी/Respondent)

Department by

: Mrs.Sumathi Venkataraman,  
JCIT

Assessee by

: Mr.A.S.Sriraman, Adv.

सुनवाई की तारीख/Date of Hearing

: 22.05.2018

घोषणा की तारीख /

Date of Pronouncement

: 22.05.2018

**आदेश / O R D E R**

**PER S. JAYARAMAN, ACCOUNTANT MEMBER:**

The Revenue filed this appeal against the order of the CIT(A)-Salem, in  
ITA No.94/2015-16 dated 20.09.2017 for the AY 2012-13.

2. While making the assessment for the AY 2012-13 in the case of the  
assessee, M/s. Al Ameen Educational and Charitable Trust, which is running

colleges with hostel under the name & style as 'Al-Ameen Engineering College', affiliated with 'Anna University of Technology', Coimbatore & 'Al-Ameen Polytechnic College', approved from 'All India Council for Technical Education', the AO relying on the decision of the Hon'ble Kerala High Court in the case of Lissie Medical Institutions Vs. CIT 348 ITR 344 (Ker.) read with CBDT Circular refused to allow the assessee's claim of depreciation on the capital expenditure incurred from year to year holding that when the entire costs of assets have already been claimed as application of income towards objects of the Trust, the claim of depreciation on the cost of the very same assets results in double deduction.

3. Aggrieved, the assessee filed the appeal before the Ld.CIT(A). Relying on the Hon'ble Jurisdictional High Court's decision in the case of DIT Vs. M/s.Medical Trust of the Seventh Day Adventists in TCA No.844 of 2010 dated 08.08.2017 reported in (2017) 84 taxmann.com 202 (Madras), the Ld.CIT(A) allowed the assessee's appeal.

4. Aggrieved, the Revenue filed this appeal.

5. None appeared for the assessee though the notice for hearing was served on the assessee on 21.04.2018. The Ld.DR presented the case on the lines of the grounds of appeal.

6. We heard the submissions.

7. We find that this issue is settled in favour of the assessee by the Hon'ble Apex Court in the case of CIT Vs. Rajasthan and Gujarati Charitable Foundation, Poona, in Civil Appeal No.7186 of 2014 dated 13.12.2017, and hence the Revenue's appeal is dismissed.

8. In the result, the appeal filed by the Revenue in ITA No.2999/Chny/2017 is dismissed

Order pronounced in the Open Court on May 22, 2018, at Chennai.

**Sd/-**

(जॉर्ज माथन)

**(GEORGE MATHAN)**

न्यायिक सदस्य/**JUDICIAL MEMBER**

चेन्नई/Chennai,

दिनांक/Dated: May 22, 2018.

TLN

**Sd/-**

(एस. जयरामन)

**(S. JAYARAMAN)**

लेखा सदस्य/**ACCOUNTANT MEMBER**

आदेश की प्रतिलिपि अग्रेषित/**Copy to:**

1. अपीलार्थी/Appellant

2. प्रत्यर्थी/Respondent

3. आयकर आयुक्त (अपील)/CIT(A)

4. आयकर आयुक्त/CIT

5. विभागीय प्रतिनिधि/DR

6. गार्ड फाईल/GF