

**IN THE INCOME TAX APPELLATE TRIBUNAL, DELHI 'D' BENCH,  
NEW DELHI**

**BEFORE SHRI N.K. BILLAIYA, ACCOUNTANT MEMBER, AND  
SMT BEENA A. PILLAI, JUDICIAL MEMBER**

**ITA No. 3782/DEL/2015  
[A.Y 2014-15]**

The D.C.I.T [TDS]  
Dehradun

Vs.

State Bank of India  
Tel Bhawan, Dehradun

PAN : MRTSO 2193 C

[Appellant]

[Respondent]

**Date of Hearing : 05.07.2018  
Date of Pronouncement : 06.07.2018**

Assessee by : Shri Sanjiv Sapra, Adv  
Revenue by : Shri Vijay Varma, CIT- DR

**ORDER**

**PER N.K. BILLAIYA, ACCOUNTANT MEMBER,**

This appeal filed by the Revenue is directed against the order of the Commissioner of Income Tax(A), Dehradun dated 03.03.2015 pertaining to A.Y 2014-15.

2. The solitary grievance of the Revenue reads as under:

*“The ld. CIT(A) erred in law and on facts in holding that the provisions of section 194A of the Income-tax Act, 1961 [hereinafter referred to as 'the Act'] are not applicable on payment of interest in Site Restoration Fund Account ignoring the fact that deposits in Site Restoration Fund Account are made for a fixed period and which carry interest applicable to time deposit.”*

3. At the very outset, the ld. AR stated that the dispute has arisen because the AO did not follow the order of the co-ordinate Bench in assessee's own case on identical issue for earlier years and the CIT(A) followed the order of the Tribunal and allowed the appeal of the assessee.

4. The ld. DR fairly conceded to this.

5. We have carefully considered the orders of the authorities below vis a vis the grievance raised by the Revenue in the present appeal. We find force in the contention of the ld. AR. An identical issue has been considered and decided by the coordinate bench in assessee's own case in A.Ys 2010-11, 2011-12 and 2012-13 in ITA Nos. 3936 to 3938/DEL/2013 and Others. We find that the coordinate bench has

also decided this issue in A.Y 2013-14 in ITA No. 38/DEL/2015 in favour of the assessee and against the Revenue.

6. We further find that at para 8, page 7, the first appellate authority has extracted the findings of the coordinate bench while deciding the issue in favour of the assessee. Considering the fact that the first appellate authority has allowed the appeal in favour of the assessee, placing reliance on the findings of the coordinate bench [supra] no interference is called for.

7 In the result, the appeal of the Revenue in ITA No. 3782/DEL/2015 is dismissed.

**The order is pronounced in the open court on 06.07.2018.**

**Sd/-**

**[BEENA PILLAI]  
JUDICIAL MEMBER**

**Sd/-**

**[N.K. BILLAIYA]  
ACCOUNTANT MEMBER**

Dated: 06<sup>th</sup> July, 2018

VL/

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(A)
5. DR

Asst. Registrar,  
ITAT, New Delhi

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