

आयकर अपीलीय अधिकरण, 'सी' न्यायपीठ, चेन्नई
IN THE INCOME TAX APPELLATE TRIBUNAL
' C' BENCH : CHENNAI

श्री अब्राहमपी.जॉर्ज, लेखा सदस्य एवं
श्री जॉर्ज माथन, न्यायिक सदस्य के समक्ष

BEFORE SHRI ABRAHAM P GEORGE, ACCOUNTANT MEMBER
AND SHRI GEORGE MATHAN, JUDICIAL MEMBER

आयकर अपील सं./I.T.A.No.2050/Chny/2018
निर्धारण वर्ष /Assessment year : 2014-15

The Dy. Commissioner of
Income Tax
Corporate Circle 6(1)
Chennai-34.

(अपीलार्थी/Appellant)

**Vs. M/s Shriram Fortune Solutions
Ltd.,**
No.66, II Floor,
City Centre Complex
Thirumalai Pillai Road
T. Nagar, Chennai 600 017
[PAN AAACS 7708 N]
(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से/ Appellant by : Mr.Clement RameshKumar,
Additional CIT D.R
प्रत्यर्थी की ओर से /Respondent by : Mr.Ragha Rajeev Menon,
Advocate
सुनवाई की तारीख/Date of Hearing : 07-11-2018
घोषणा की तारीख /Date of Pronouncement : 07-11-2018

आदेश / O R D E R

PER GEORGE MATHAN , JUDICIAL MEMBER

This is an appeal filed by the Revenue against the order of
the Commissioner of Income-tax (Appeals)-15, Chennai in ITA

No.402/2016-17/CIT(A)-15 dated 28.03.2018 for the assessment year 2014-15.

2. Shri Clement RameshKumar represented on behalf of the Revenue and Shri Ragma Rajeev Menon, represented on behalf of the Assessee.

3. It was submitted by Id.D.R that Ground No.2 & 2.1 is against the action of Ld.CIT(A) in allowing the royalty claim of the assessee as a revenue expenditure. It was submitted by Id.A.R that the issue was squarely covered by the decision of the Co-ordinate Bench of this Tribunal in assessee's own case in ITA No.2893/Mds./2016, vide order dated 05.05.2017 wherein following the decision of Co-ordinate Bench of this Tribunal in ITA No.406/Mds./2016 dated 29.07.2016 has held as follows:-

"10. We have considered the rival submissions on either side and also perused the material available on record. Shriram Ownership Trust is a Trust by itself, therefore, its logo cannot be used by any other concern. The object of the Trust is not to do business. The assessee-company was established for the purpose of business. When the assessee-company used the logo belongs to Shriram Ownership Trust, this Tribunal is of the considered opinion that for the purpose of using the logo, the assessee has to necessarily make the payment. In the case before us, the payment was made on turnover basis, therefore, the

same has to be allowed as revenue expenditure u/s 37(1) of the Act. This Tribunal do not find any reason to interfere with the order of the CIT(A) and accordingly, the same is confirmed."

3.1 In respect of Grounds Nos.3 to 3.8, it was submitted by Id.D.R that the issue was against the action of the Ld.CIT(A) in deleting the disallowance made u/s.14A of the Act read with Rule 8D of the Income Tax Rules,1962. It was submitted by Id.A.R that the issue was squarely covered by the decision of jurisdictional High Court in the case of M/s.Redington India Ltd., Vs. ACIT reported in 392 ITR 633(Mad.). It was a submission that the assessee did not earn any exempt income or dividend income during the year out of the investments, and consequently no disallowance was called for.

4. We have considered the rival submissions. In respect of Ground Nos.2 & 2.1, as it is noticed that this issue is squarely covered by the decision of Co-ordinate Bench of this Tribunal in assessee's own case for assessment year 2013-14 referred to supra, respectfully following the decision of Tribunal, the order of the CIT(Appeals) on this issue stands confirmed. In respect of Ground Nos.3 to 3.8, as it is noticed that the assessee has not received any exempt income, respectfully following the decision of Hon'ble Jurisdictional High Court

in the case of M/s.Redington India referred to supra, finding of the Ld.CIT(A) on this issue stands confirmed.

5. In the result, the appeal of the Revenue is dismissed.

Order pronounced on 07th November, 2018, at Chennai.

Sd/-
(अब्राहमपी.जॉर्ज)

(ABRAHAM P GEORGE)

लेखा सदस्य /ACCOUNTANT MEMBER

Sd/-
(जॉर्ज माथन)

(GEORGE MATHAN)

न्यायिक सदस्य/JUDICIAL MEMBER

चेन्नई/Chennai

दिनांक/Dated: 07th November, 2018.

K S Sundaram

आदेश की प्रतिलिपि अग्रेषित/Copy to:

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