

*IN THE INCOME TAX APPELLATE TRIBUNAL
KOLKATA BENCH "SMC" KOLKATA*

Before **Shri S.S, Godara, Judicial Member**

ITA No.1138/Kol/2016
Assessment Year:2011-12

M/s Ranisati Distributors Pvt. Ltd. 13, Becharam Chowdhury Lane, Howrah- 711101 [PAN No.AADCR 5334 C]	बनाम/ V/s.	Income Tax Officer, Ward-4(1), P-7, Chowringhee Square, Kol-69
अपीलार्थी /Appellant	..	प्रत्यर्थी /Respondent

अपीलार्थी की ओर से/By Appellant	Shri Miraj D. Shah
प्रत्यर्थी की ओर से/By Respondent	Shri Kalyan Natha Addl. CIT-SR-DR
सुनवाई की तारीख/Date of Hearing	24-01-2019
घोषणा की तारीख/Date of Pronouncement	31-01-2019

आदेश /O R D E R

This assessee's appeal for assessment year 2011-12, arises against the Commissioner of Income-tax (Appeals)-2, Kolkata's order dated 29.04.2016 passed in case No.1260/CIT(A)-2/14-15 involving proceedings u/s. 143(3) of the Income Tax Act, 1961; in short 'the Act'.

Heard both the parties. Case file perused.

2. The assessee's sole substantive ground pleaded in the instant appeal seeks to reverse both the lower authorities action disallowing administrative expenditure of ₹1,25,200/- in relation to its exempt income of ₹1,96,423/-. This assessee is stated to be engaged in money landing business as a company. Its director admittedly have not received any dividend or remuneration as it transpires during the course of hearing. It derived impugned exempt income from dividends in mutual funds. Learned

Departmental Representative fails to indicate any actual expenditure incurred by of assessee under the head “administrative expenditure”. This Tribunal’s decision in Gautam Kumar Mitra vs. DCIT in **ITA No.1336/Kol/2013** decided on 27.05.2016 holds that the impugned disallowance provision does not apply in absence of any actual expenditure. I direct the Assessing Officer to delete the impugned administrative expenditure disallowance therefore.

3. This assessee’s appeal is allowed.

Order pronounced in open court on 31/01/2019

Sd/-
(S.S. Godara)
Judicial Member

Kolkata,

*Dkp/Sr.PS

दिनांक:- 31/01/2019 कोलकाता

आदेश की प्रतिलिपि अग्रेषित / Copy of Order Forwarded to:-

1. अपीलार्थी/Appellant-M/s Ranisati Distributors Pvt. Ltd., 13, Becharam Chowdhury Lane, Howrah-711101
2. प्रत्यर्थी/Respondent-ITO Ward-4(1), P-7, Chowringhee Sq. Kolkata-69
3. संबंधित आयकर आयुक्त / Concerned CIT
4. आयकर आयुक्त- अपील / CIT (A)
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण कोलकाता / DR, ITAT, Kolkata
6. गार्ड फाइल / Guard file.

/True Copy/

By order/आदेश से,

उप/सहायक पंजीकार
आयकर अपीलीय अधिकरण,
कोलकाता ।