

IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCHES: 'D', NEW DELHI

BEFORE SMT. BEENA A PILLAI, JUDICIAL MEMBER
AND SHRI PRASHANT MAHARISHI, ACCOUNTANT MEMBER

ITA No. 4278/Del/2015
AY: 2011-12

DCIT, Circle 23(1) Room No.248 C.R.building I.P.Estate New Delhi 110 002	vs.	Shriram Pistons & Rings Ltd. 23, Kasturba Gandhi Marg New Delhi 110 001 PAN: AAACS0229G
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(Appellant)

(Respondent)

Department by : Smt.Naina Soin Kapil, Sr.DR.
Assessee by : Sh. R.K.Kapoor, C.A.

Date of Hearing : 29/01/2019
Date of Pronouncement: 12/02/2019

ORDER

PER BEENA A PILLAI, JUDICIAL MEMBER

Present appeal has been filed by revenue against order dated 30/04/15 passed by Ld.CIT(A) for Assessment Year 2011-12 on following grounds of appeal:

"1. The Ld. CIT (A) has erred in deleting the addition of Rs. 88,54,934/- made by the AO on account of disallowance of expenditure on dies for new model development,

2. The Ld. CIT (A) has erred in deleting the addition of Rs. 5,68,067/- made by the AO on account of disallowance of expenditure on "Total Productivity Maintenance/ISO 9001".

3. The Ld. CIT(A) has erred in deleting the addition of Rs. 25,30,330/- made by the AO on account of disallowance of commission on sales to Government Undertaking.

4. The appellants craves to amend , modify, alter, add or forego any ground(s) of appeal at any time before or during the hearing of this appeal."

2. Brief facts of case are as under:

Assessee filed its return of income on 30/09/11 declaring total income of Rs.1,08,62,48,130/-which was subsequently revised on 30/03/13 at taxable income of Rs.1,08,67,88,130/-. Notice under section 143(2) and 142(1) along with questionnaire was issued to assessee subsequently. In response to statutory notices representative of assessee appeared before Ld.AO and filed requisite details/documents as called for.

2.1. During year Ld.AO observed that assessee is engaged in business of manufacturing various automobile components like piston, piston rings, engine valves etc., as it's factory located at Ghaziabad. After calling for various details/submissions, Ld. AO passed assessment order by making following additions:

- i) expenditure on dyes for new model development: Rs.88,54,934/
- ii) expenditure on total productivity maintenance/ISO 9001 : Rs.5,68,067/-
- iii) commission on sales to government undertaking : Rs.25,30,330/-

3. Aggrieved by additions made by Ld.AO assessee preferred appeal before Ld.CIT(A) who deleted addition by placing reliance

upon decision of ITAT in assessee's own case for preceding assessment year.

4. Aggrieved by order of Ld.CIT A) revenue is in appeal before us now.

5. Ld.Sr.DR placed reliance upon order of Ld.AO.

6. Ld.AR placed reliance upon order of Ld.CIT (A), and submitted that all issues raised by revenue stands fully covered by order dated 31/10/13 of this Tribunal in ITA No.5438/Del/2012 for Assessment Year 2009-10 in assessee's own case.

7. We have perused submissions advanced by both sides in light of records placed before us.

8. On perusal of order passed by this Tribunal for Assessment Year 2009-10 in assessee's own case, it is observed that assessee has been carrying out similar business in preceding years and disallowance made by Ld.AO are also same. It is observed that Ld. CIT(A) on basis of view taken by this Tribunal in earlier year deleted additions made by Ld.AO. This Tribunal further recorded regarding commission paid by assessee on sales to Government Undertaking, that revenue raised issue before *Hon'ble Delhi High Court* for Assessment Year 1998-99 wherein *Hon'ble Court* decided the issue in favour of assessee.

8.1. There is nothing on record brought by revenue to distinguish present year from the preceding assessment years relied upon by Ld.AR. Under such circumstances respectfully following decision of this Tribunal in assessee's own case for assessment year 2009-10 (*supra*) we uphold view taken by Ld.CIT(A).

8.2. Accordingly ground raised by revenue stands dismissed.

9. In the result appeal filed by revenue stands dismissed.

Order pronounced in the open court on 12th February, 2019.

Sd/-
(PRASHANT MAHARISHI)
ACCOUNTANT MEMBER

Sd/-
(BEENA A PILLAI)
JUDICIAL MEMBER

Dt. 12th February, 2019

- Gmv

Copy forwarded to: -

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

- TRUE COPY -

By Order,

ASSISTANT REGISTRAR
ITAT Delhi Benches

	Date
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Date on which file goes to the Head Clerk.	
Date of dispatch of Order.	