



**आयकर अपीलीय अधिकरण "डी" न्यायपीठ मुंबई में।  
IN THE INCOME TAX APPELLATE TRIBUNAL  
"D" BENCH, MUMBAI**

**माननीय श्री महावीर सिंह, न्यायिक सदस्य एवं  
माननीय श्री मनोज कुमार अग्रवाल, लेखा सदस्य के समक्ष।  
BEFORE HON'BLE SHRI MAHAVIR SINGH, JM AND  
HON'BLE SHRI MANOJ KUMAR AGGARWAL, AM**

आयकर अपील सं./ I.T.A. No.977/Mum/2018  
(निर्धारण वर्ष / Assessment Year:2012-13)

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आयकर अपील सं./ I.T.A. No.978/Mum/2018  
(निर्धारण वर्ष / Assessment Year:2013-14)

<b>M/s. Revashanker Gems Ltd.</b> A-4, Purshottam Building Opera House Mumbai-400 004.	<b>बनाम/ Vs.</b>	<b>DCIT-Circle-5 (3)(1)</b> Aaykar Bhavan, M.K. Road Mumbai-40 020.
स्थायी लेखा सं./जी आइ आर सं./PAN/GIR No. <b>AAACR-4649-D</b>		
(□ पीलार्थी/ <b>Appellant</b> )	:	(प्रत्यर्थी / <b>Respondent</b> )

<b>Appellant by</b>	:	Apurva Shah-Ld.AR
<b>Respondent by</b>	:	Abhi Rama Kartikeyan - Ld.DR

सुनवाई की तारीख/ <b>Date of Hearing</b>	:	20/03/2019
घोषणा की तारीख / <b>Date of Pronouncement</b>	:	03/04/2019

**आदेश / ORDER**

**Per Manoj Kumar Aggarwal (Accountant Member)**

1. Aforesaid appeals by assessee for Assessment Years [in short referred to as 'AY'] 2012-13 and 2013-14 contest common order of Ld. first appellate authority *qua* confirmation of certain disallowance u/s 14A.
2. Both the representative, at the outset, converge on the point that the identical issue has already been considered by the Tribunal in assessee's own case for AY 2011-12 *ITA No.1046/Mum/2016* dated



05/02/2018 wherein the matter has been restored back with certain directions. A copy of the order been placed on record. Therefore, similar directions have been sought by the respective representatives for these years also.

3. Facts on record for AY 2012-13 reveal that the assessee has been saddled with net disallowance u/s 14A *read with Rule 8D* for Rs.13.64 Lacs. The assessee earned exempt dividend income of Rs.8.83 Lacs and offered *suo-moto* disallowance u/s 14A for Rs.3.13 Lacs, the break-up of which has been given on *para 2* of the quantum assessment order. However, Ld. AO computed aggregate disallowance u/r 8D (2) for Rs.16.78 Lacs and accordingly after adjusting *suo-moto* disallowance already offered by the assessee, added the differential amount of Rs.13.64 Lacs to the income of the assessee. The Ld. first appellate authority, after considering assessee's submissions, directed Ld.AO to restrict the same to Rs.8.83 Lacs, being exempt income earned by the assessee. Still aggrieved, the assessee is in further appeal before us.

4. Upon perusal of cited order of the Tribunal dated 05/02/2018 for AY 2011-12, we find that the matter of disallowance u/s 14A has been restored back to the file of Ld. AO with certain directions as given in *para-6* of the cited order. Therefore, fact being identical, the matter stand restored back to the file of Ld. AO for re-adjudication on similar lines. The appeal stands allowed for statistical purposes.

5. The impugned order is common order for both the years and the facts are *pari-materia* the same for AY 2013-14. Therefore, our directions as given in AY 2012-2013 shall *mutatis mutandis* apply to AY 2013-14 also. The appeal stands allowed for statistical purposes.



6. Resultantly, both the appeals stand allowed for statistical purposes.

*Order pronounced in the open court on 03<sup>rd</sup> April, 2019.*

**Sd/-**

**(Mahavir Singh)**

न्यायिक सदस्य / **Judicial Member**

**Sd/-**

**(Manoj Kumar Aggarwal)**

लेखा सदस्य / **Accountant Member**

मुंबई Mumbai; दिनांक Dated : 03/04/2019

*Sr.PS, Jaisy Varghese*

**आदेशकीप्रतिलिपिअग्रेषित/Copy of the Order forwarded to :**

1. अपीलार्थी/ The Appellant
2. प्रत्यर्थी/ The Respondent
3. आयकरआयुक्त(अपील) / The CIT(A)
4. आयकरआयुक्त/ CIT– concerned
5. विभागीयप्रतिनिधि, आयकरअपीलीयअधिकरण, मुंबई/ DR, ITAT, Mumbai
6. गार्डफाईल / Guard File

**आदेशानुसार/ BY ORDER,**

**उप/सहायक पंजीकार (Dy./Asstt.Registrar)**  
**आयकरअपीलीयअधिकरण, मुंबई / ITAT, Mumbai.**