

THE INCOME TAX APPELLATE TRIBUNAL
"SMC" Bench, Mumbai
Before Shri Shamim Yahya (AM)

I.T.A. No. 4552/Mum/2018 (Assessment Year 2012-13)
I.T.A. No. 4553/Mum/2018 (Assessment Year 2013-14)

Valji Dungershi Gala 140-A, Mahakali Mansion Bazar Gate Street, Fort Mumbai-400 001. PAN : AABPG6467E (Appellant)	Vs.	ITO Ward 17(3)(5) Mumbai (Respondent)
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Assessee by	None
Department by	Shri Chaitanya Anjaria
Date of Hearing	4.7.2019
Date of Pronouncement	3.9.2019

ORDER

These are appeals by the assessee directed against common order of learned CIT(A) dated 2.5.2018 and pertain to A.Ys. 2012-13 & 2013-14 where rate of depreciation on printers has been allowed at the rate of 15% as against 60% claimed by the assessee.

2. I have heard learned Departmental Representative and perused the records. None appeared on behalf of the assessee despite notice.

3. In this case the assessee has been allowed depreciation on printers at the rate of 15% as against the rate of 60% claimed by the assessee. This has resulted into following disallowances :-

A.Y. 2012-13	Rs. 36,33,154/-
A.Y. 2013-14	Rs. 25,68,959/-

4. Upon carefully consideration, I find that the issue is covered in favour of the assessee by a catena of decisions from Hon'ble High Courts. In these decisions, it was held that computer peripherals like printers are part of the

computer system and hence entitled for depreciation at the rate of 60%. In this regard I may refer to the following decisions :-

- Hon'ble Madras High Court in the case of CIT Vs. Cactus Imaging India Pvt. Ltd. (TC No. 921 & 922 of 2008 order dated 16.4.2018)
- Hon'ble Delhi High Court in the case of CIT Vs. Bses Yamuna Power Ltd. (ITA No. 1267 of 2010 order dated 31.8.2010)

5. Respectfully following the above precedent, I set aside the orders of the authorities below and decide the issue in favour of the assessee.

6. In the result, appeals by the assessee stand allowed.

Order has been pronounced in the Court on 3.9.2019.

Sd/-
(SHAMIM YAHYA)
ACCOUNTANT MEMBER

Mumbai; Dated : 3/9/2019

Copy of the Order forwarded to :

1. The Appellant
2. The Respondent
3. The CIT(A)
4. CIT
5. DR, ITAT, Mumbai
6. Guard File.

//True Copy//

BY ORDER,

(Assistant Registrar)
ITAT, Mumbai

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