

2. The first grievance of the assessee relates to charging of interest u/s 201(1A) of the Income tax Act, 1961 [hereinafter referred to as 'The Act' for short] amounting to Rs. 7,602/- for late deposit of TDS.

3. Facts relating to this issue show that TDS deducted in the month of November 2010 was required to be deposited on or before 07.12.2010. However, because of Income tax search at the premises of the assessee, the assessee claimed to have been held up in the search proceedings and, therefore, could not deposit the tax deducted at source on or before the due date.

4. Before us also, the ld. counsel for the assessee reiterated and contended that there was reasonable cause for delay in depositing the tax. In our considered opinion, charging of interest u/s 201(1A) of the Act is mandatory in nature and there is no provision of waiver of the same. The interest is charged automatically and there is no question of any reasonable cause. We, therefore, do not find any merit

in the submissions of the ld. counsel for the assessee. Addition of Rs. 7,602/- is confirmed.

5. Second grievance relates to charging of interest of Rs. 13,098/- u/s 201(1A) of the Act.

6. Facts relating to this issue are that the due date for deposit of TDS was 07.1.2011 and the assessee did deposit the TDS on the due date which is evident from the copy of bank statement. Interest has been levied because on OLTAS the tax has been shown as deposited on 08.01.2011 resulting into automatic levy of interest.

7. In our considered opinion, when the payments have been electronically made on 07.01.2011, which is the due date and the money has flown from the bank account of the assessee, it should not make any difference when the same was shown as credited on OLTAS. On these facts, we are of the view that the assessee has deposited tax on or before the due date. Therefore, the Assessing Officer is directed to delete the addition of Rs. 13.098/-

8. In the result, the appeal filed by the assessee in ITA No. 4476/DEL/2016 is partly allowed.

The order is pronounced in the open court on 10.01.2020.

Sd/-

**(BHAVNESH SAINI)
JUDICIAL MEMBER**

Sd/-

**(N. K. BILLAIYA)
ACCOUNTANT MEMBER**

Dated: 10th January, 2020.

VL/

Copy forwarded to:

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

Asst. Registrar
ITAT, New Delhi

Date of dictation	
Date on which the typed draft is placed before the dictating Member	
Date on which the typed draft is placed before the Other Member	
Date on which the approved draft comes to the Sr.PS/PS	
Date on which the fair order is placed before the Dictating Member for pronouncement	
Date on which the fair order comes back to the Sr.PS/PS	
Date on which the final order is uploaded on the website of ITAT	
Date on which the file goes to the Bench Clerk	
Date on which the file goes to the Head Clerk	
The date on which the file goes to the Assistant Registrar for signature on the order	
Date of dispatch of the Order	