

**IN THE INCOME TAX APPELLATE TRIBUNAL  
“B” BENCH : BANGALORE**

**BEFORE SHRI A. K. GARODIA, ACCOUNTANT MEMBER AND  
SMT. BEENA PILLAI, JUDICIAL MEMBER**

<b>ITA No.1338/Bang/2018</b>
<b>Assessment year : 2014-15</b>

M/s. Golflinks Software Park Pvt. Ltd., 1 <sup>st</sup> Floor, Embassy Point, 150 Infantry Road, Bengaluru – 560 001. <b>PAN : AABCG 7106 K</b>	Vs.	Income Tax Officer, Ward 3(1)(2), Bengaluru.
APPELLANT		RESPONDENT

Assessee by	:	Shri. Ajay Rotti, CA
Revenue by	:	Ms. Neera Malhotra, CIT (DR)(ITAT), Bengaluru

Date of hearing	:	16.12.2019
Date of Pronouncement	:	07.02.2020

**ORDER**

*Per A.K. Garodia, Accountant Member*

This appeal is filed by the assessee and the same is directed against the order of learned CIT(A)-3, Bengaluru, dated 01.03.2018, for the Assessment Year 2014-15. The assessee has raised as many as 7 grounds of appeal but the only grievance of the assessee is regarding disallowance of interest on Loans and Advances under section 36(1)(iii) of the Income Tax Act, 1961.

2. In the course of hearing before us, learned AR of the assessee submitted that this issue is already decided by the tribunal against the assessee

on one aspect i.e. availability of own funds. This tribunal order is in the assessee's own case for various earlier years i.e., 2007-08 to 2013-14 in ITA Nos.333 to 339/Bang/2017 dated 10.05.2019. He submitted a copy of this Tribunal order and drew our attention to para 65 of this Tribunal order and submitted that as per this para of the Tribunal order, this is the finding of the Tribunal that learned CIT(A) has elaborately discussed about the availability of own funds which has not been shown to be incorrect by the learned AR of the assessee and therefore, it was held by the Tribunal that there was no merit in the appeal of the assessee and the same was dismissed. He submitted that although on the issue of availability of own funds, the issue is covered against the assessee. But this is another argument of the assessee that there was business expediency in giving interest free advances to sister concerns. It was submitted that as per the judgment of the Hon'ble Apex Court rendered in the case of SA Builders as reported in 158 Taxmann 74(SC), the disallowance should be deleted. At this juncture, a query was raised by the Bench regarding evidence of business expediency but nothing could be shown by learned AR of the assessee on this aspect. Learned DR of the Revenue supported the orders of the authorities below.

3. We have considered the rival submissions. We find that learned AR of the assessee has made the same arguments before us as were made before learned CIT(A). In para No.65 of the Tribunal order in the assessee's own case, a categorical finding has been given by the Tribunal that CIT(A) has elaborately discussed about the availability of own funds, which has not been shown to be incorrect by the learned AR of the assessee. In the present year before us also, nothing could be brought on record to point out or establish that interest free own funds were available for giving these advances. Moreover, in reply to specific query of the Bench, it was admitted by the learned AR of the assessee that the entire advance are old advances and hence,

the issue involved in the present case is squarely covered against the assessee by the Tribunal order in the assessee's own case in earlier years. Regarding business expediency also, nothing could be shown before us and hence, we find no reason to interfere in the order of CIT(A).

4. In the result, appeal of the assessee is dismissed.

*Pronounced in the open court on the date mentioned on the caption page.*

Sd/-  
**(BEENA PILLAI)**  
**Judicial Member**

Sd/-  
**(A.K. GARODIA)**  
**Accountant Member**

Bangalore,  
Dated: 07<sup>th</sup> February, 2020.  
/NS/\*

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|---------------|-------------------------|---------------|
| 1. Appellants | 2. Respondent           | 3. CIT        |
| 4. CIT(A)     | 5. DR, ITAT, Bangalore. | 6. Guard file |

By order

Assistant Registrar,  
ITAT, Bangalore.