



ITA No.4349/Mum/2018
Redi Port Limited
Assessment Year: 2014-15

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

माननीय श्री महावीर सिंह, उपाध्यक्ष एवं
माननीय श्री मनोज कुमार अग्रवाल, लेखा सदस्य के समक्ष।
BEFORE HON’BLE SHRI MAHAVIR SINGH, VP AND
HON’BLE SHRI MANOJ KUMAR AGGARWAL, AM
(Hearing through Video Conferencing Mode)

आयकर अपील सं./ I.T.A. No.4349/Mum/2018
(निर्धारण वर्ष / Assessment Year: 2014-15)

Redi Port Limited 107, Earnest House, 194 Nariman Point, Mumbai-400 021	बनाम/ Vs.	DCIT-Central Circle-3(3)(1) Aayakar Bhavan, M.K. Road, Mumbai- 400 020.
स्थायी लेखासं./जी आइ आरसं./PAN/GIR No. AADCR-6980-N		
(अपीलार्थी/ Appellant)	:	(प्रत्यर्थी / Respondent)

Assessee by	:	Shri Gurmukh Singh H.Purwani-Ld. AR
Revenue by	:	Shri Jayant Jhaveri -Ld. DR

सुनवाई की तारीख/ Date of Hearing	:	08/07/2020
घोषणा की तारीख / Date of Pronouncement	:	08/07/2020

आदेश / ORDER

Manoj Kumar Aggarwal (Accountant Member)

1. Aforesaid appeal by assessee for Assessment Year [in short referred to as ‘AY’] 2014-15 contest the order of Ld. Commissioner of Income-Tax (Appeals)-8, Mumbai, [in short referred to as ‘CIT(A)’], Appeal No. CIT-8/IT-347/16-17 dated 17/04/2018 on following grounds: -

1. On the facts and circumstances of the case, the learned CIT(A) erred in not accepting stand of assessee company that strategic investment in sister concern by buying its shares should not be considered as investment income



from which does not or shall not form part of total income for the purpose of 14A disallowance.

2. On the facts and circumstances of the case the Id. CIT was not justified in relying on Maxopp Investment Ltd 91 Taxmann.com 154 as the facts of the said case are entirely different are distinguishable from the facts of the appellant's case. The Id. CIT(A) ought to have given clear finding rather than restoring the mater back to Assessing Officer's file and directing him to recompute 14A disallowance.

As evident, the sole subject matter of appeal is disallowance u/s 14A. We have carefully heard the rival submissions made by both the representatives during hearing on 04/02/2020. The Ld. DR submitted that the issue has merely been restored back to the file of Ld. AO and therefore, there would be no occasion for the assessee to be aggrieved. Our adjudication to the appeal would be as given in succeeding paragraphs.

2. The material on record would show that in an assessment framed u/s 143(3) on 30/11/2016, the assessee has been saddled with disallowance u/s 14A for Rs.42.04 Lacs which is nothing but indirect expense disallowance u/r 8D(2)(iii) which is computed @0.5% of average investments. The plea that no exempt income was earned by the assessee could not find favor with Ld. AO.

3. Upon further appeal, Ld. CIT(A), relying upon latest decision of Hon'ble Supreme Court in the case of **Maxopp Investment Ltd. vs. CIT [2018] 402 ITR 640 (SC)** directed Ld. AO to revisit the entire issue of applicability of section 14A by observing as under: -

"In view of the judgement of the Hon'ble Supreme Court of India in Maxopp Investment Ltd, as referred to above, the Assessing Officer is directed to revisit the entire issue of applicability of section 14A in this case and recompute the disallowance, if any. This ground of appeal is technically partly allowed."



Aggrieved, the assessee is in further appeal before us.

4. It is quite evident from the directions of learned CIT(A) that the entire issue of applicability of Section 14A has already been restored back to the file of the learned Assessing Officer for re-adjudication in terms of cited decision of Hon'ble Supreme Court. Therefore, there would be no occasion for the assessee to be aggrieved and no relief could be granted to the assessee at this stage. Needless to add that the assessee is free to agitate the issue of disallowance u/s 14A before learned Assessing Officer, in any manner.

5. The assessee's appeal stand dismissed.

Order pronounced on 08th July, 2020.

Sd/-

(Mahavir Singh)

उपाध्यक्ष / **Vice President**

Sd/-

(Manoj Kumar Aggarwal)

लेखा सदस्य / **Accountant Member**

मुंबई Mumbai; दिनांक Dated : 08/07/2020
Sr.PS, Sudip Sarkar

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.