

INCOME TAX APPELLATE TRIBUNAL  
DELHI BENCH "C": NEW DELHI  
BEFORE SHRI AMIT SHUKLA, JUDICIAL MEMBER  
AND  
SHRI PRASHANT MAHARISHI, ACCOUNTANT MEMBER  
(Through Video Conferencing)

ITA No. 4975/Del/2014  
(Assessment Year: 2005-06)

DCIT, Circle-14(1), New Delhi	Vs.	PSB Industries India Pvt. Ltd, 207, 2 <sup>nd</sup> Floor, 87, Zamroodpur, GK-1, New Delhi PAN: AAACP0009M
(Appellant)		(Respondent)

Revenue by :	Shri Gaurav Dudeja, Sr. DR
Assessee by:	None.
Date of Hearing	08/12/2020
Date of pronouncement	08/12/2020

O R D E R

PER PRASHANT MAHARISHI , A. M.

1. This appeal is filed by the Id DCIT, Circle-14(1), New Delhi for Assessment Year 2005-06 against the order of the Id CIT(A)-17, New Delhi dated 27.06.2014. The Id CIT(A) passed an order in appeal filed by the assessee against the assessment order passed by the Id AO i.e. DCIT, Circle-14(1), New Delhi u/s 147 read with section 143(3) of the Act, 1961 dated 25.03.2013.
2. The brief facts of the case shows that the assessee is a company who originally filed return of income on 30.03.2006 declaring loss of Rs. 157050/-. The assessment u/s 147 read with section 143(3) was completed on 29.09.2009 at the total income of Rs. 60,53,100/-. Subsequently, the assessment was reopened for disallowance of expenditure u/s 14A of the Act and determination of the annual value of the property. The Id AO subsequently determined the expenses disallowable u/s 14A of the Act of Rs. 575764/-. Further, the annual lettable value of a property was also determined at Rs. 5,76,63,600/-.

After granting deduction of 30% on account of repairs the income from house property was determined at Rs. 4,03,64,520/- and business income was determined at Rs. 7,32,812/-. Total income was determined at Rs. 4,10,97,333/- and assessment order u/s 143(3) read with section 147 of the Act was passed on 25.03.2013.

3. On appeal before the Id CIT(A), he quashed the reopening of the assessment as it was based on merely change of opinion. On the merits also, he deleted the disallowance based on his own order for AY 2009-10. Consequently, the appeal of the assessee was allowed on both the counts.
4. The Id AO aggrieved with the order of the Id CIT (A) challenge the issue only on the merits of the case but did not challenge the quashing of the reopening of the assessment.
5. The Id DR before us relied upon the order of the Id AO.
6. Despite notice none appeared on behalf of the assessee.
7. We have carefully considered the rival contentions. In this case quashing of the reopening of the order by the Id CIT(A) has not at all challenge by the revenue in the ground of appeal but has raised the ground only on the additions deleted. As quashing of the reopening is unchallenged, we do not have any authority to decide the issue on the merits of the case as reopening itself has been quashed and remains unchallenged. In view of this we dismiss the appeal of the Id AO.

Order pronounced in the open court on 08/12/2020.

-Sd/-  
(AMIT SHUKLA)  
JUDICIAL MEMBER

-Sd/-  
(PRASHANT MAHARISHI)  
ACCOUNTANT MEMBER

Dated: 08/12/2020

A K Keot

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

ASSISTANT REGISTRAR  
ITAT, New Delhi