

आयकर अपीलिय अधिकरण, 'सी' न्यायपीठ, चेन्नई।
IN THE INCOME TAX APPELLATE TRIBUNAL
'C' (SMC) BENCH: CHENNAI

श्री वी दुर्गा राव, न्यायिक सदस्य के समक्ष

BEFORE SHRI V. DURGA RAO, JUDICIAL MEMBER

आयकर अपील सं./ITA No.2821/Chny/2019
निर्धारण वर्ष /Assessment Year: 2013 - 2014

Shri Rammohan Prathima,
Old No.64, New No.26,
Arathoon Road,
Royapuram,
Chennai – 600 013.

[PAN: AEWPP 2331P]

(अपीलार्थी/Appellant)

The Assistant Commissioner of
Income Tax,

Vs. Non-Corporate Circle – 5,
Chennai – 600 006.

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से/ Appellant by
प्रत्यर्थी की ओर से /Respondent by

: Mr. Seetharaman, F.C.A.
: Mr. Suresh Periasamy, JCIT

सुनवाई की तारीख/Date of Hearing

: 09.12.2020

घोषणा की तारीख /Date of Pronouncement

: 18.12.2020

आदेश / ORDER

PER V. DURGA RAO, JUDICIAL MEMBER:

This appeal filed by the assessee is against the order of the learned Commissioner of Income Tax (Appeals)-5, Chennai in I.T.A No.45/CIT(A)-5/2008-19 dated 30.08.2019 relevant to the Assessment Year 2013 - 2014.

2. The only issue involved in this appeal relates to the addition of Rs.5,07,585/-. The case of the Assessee is that he has purchased a flat at McNochols Road, Egmore, Chennai by borrowing the funds from Bank of Baroda and Indian Overseas Bank and has paid the interest. When the Assessee has claimed the interest as deduction, the Assessing Officer has denied the claim of the Assessee on the ground that the Assessee has failed to produce a Certificate that he has borrowed funds from the Bank for the purpose of purchasing the flat. Subsequently, the matter was put up to the learned Commissioner of Income Tax (Appeals) and the Hon'ble Income Tax Appellate Tribunal and once again the matter had come before the Assessing Officer.

Hon'ble Income Tax Appellate Tribunal had set aside the matter and remitted the same to the file of the Assessing Officer to adjudicate afresh. But again the Assessing Officer has passed the same order and denied the claim of the Assessee.

3. We have heard both the sides, perused the materials available on record and gone through the orders of the authorities below.

4. In the paper-book at Page No.3 to 7, it shows that the Assessee had borrowed the funds and paid the interest thereon. It is a fact that the Assessee had purchased a flat. The Assessing Officer has not doubted

towards the purchase of the flat by the Assessee and the payment of interest too.

On these facts and circumstances of the case, we are of the opinion that the Assessing Officer has not justified in denying the deduction claimed by the Assessee. Therefore, we set aside the order passed by the learned Commissioner of Income Tax (Appeals) and we allow the interest deduction claimed by the assessee. Accordingly, the appeal filed by the Assessee is allowed.

5. In the result, the appeal of the Assessee in I.T.A No.2821 /Chny/2019 is allowed.

Order pronounced on 18th December, 2020 in Chennai.

Sd/-
(वी दुर्गा राव)
(V. DURGA RAO)

न्यायिक सदस्य/JUDICIAL MEMBER

चेन्नई/Chennai,

दिनांक/Dated: 18th December, 2020

IA, Sr. PS

आदेश की प्रतिलिपि अग्रेषित/**Copy to:** 1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकर आयुक्त (अपील)/CIT(A)
4. आयकर आयुक्त/CIT
5. विभागीय प्रतिनिधि/DR
6. गार्ड फाईल/GF