

IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCHES "C" : DELHI
BEFORE SHRI BHAVNESH SAINI, JUDICIAL MEMBER
AND
SHRI B.R.R. KUMAR, ACCOUNTANT MEMBER
ITA.No.7739/Del./2017
Assessment Year 2014-2015

The Income Tax Officer, Ward – 10 (4), New Delhi.	vs.	M/s. Gyansagar Buildtech Ltd., M-62 & 63, 1 st Floor, Connaught Place, New Delhi-110001 PAN AAECG1661J
(Appellant)		(Respondent)

For Revenue :	Shri Prakash Dubey , Sr.DR
For Assessee :	Shri Nippun Jain, C.A.

Date of Hearing :	18.01.2021
Date of Pronouncement :	01.02.2021

ORDER

PER BHAVNESH SAINI, J.M.

This appeal by Revenue has been directed against the Order of the Ld. CIT(A)-4, New Delhi, Dated 17.10.2017, for the A.Y. 2015-2016, challenging the Order of the Ld. CIT(A) in deleting the addition of an amount of Rs.2,86,85,018/- under section 14A of the I.T. Act, 1961.

2. We have heard the Learned Representatives of both the parties through video conferencing and perused the material available on record.

3. In this case, the A.O. made disallowance of the impugned amount under section 14A of the I.T Act, 1961. The assessee submitted before the Ld. CIT(A) that addition is wholly unjustified because the assessee has not earned any exempt income in assessment year under appeal. The assessee relied upon the Judgment of the Hon'ble Delhi High Court in the case of Chemninvest Ltd., vs., Commissioner of Income Tax 378 ITR 33 in which it was held that "*Section 14A of the I.T. Act will not apply if no exempt income is received or receivable during the relevant previous year.*" The Ld. CIT(A) following this decision of the Hon'ble Delhi High Court, deleted the addition.

4. After considering the rival submissions, we are of the view that the issue is covered by the aforesaid Judgment of the Hon'ble Delhi High Court in the case of Chemninvest Ltd., (supra), therefore, Ld. CIT(A) rightly deleted the

addition. The Departmental Appeals fails and is accordingly dismissed.

5. In the result, appeal of the Revenue dismissed.

Order pronounced in the open Court.

Sd/-
(B.R.R. KUMAR)
ACCOUNTANT MEMBER

Sd/-
(BHAVNESH SAINI)
JUDICIAL MEMBER

Delhi, Dated 01st February, 2021

VBP/-

Copy to

1.	The appellant
2.	The respondent
3.	CIT(A) concerned
4.	CIT concerned
5.	D.R. ITAT 'C' Bench, Delhi
6.	Guard File.

// BY Order //

Assistant Registrar : ITAT Delhi Benches :
Delhi.