

आयकर अपीलिय अधिकरण  
मुंबई पीठ " सी" , मुंबई  
IN THE INCOME TAX APPELLATE TRIBUNAL  
MUMBAI BENCH "C", MUMBAI  
श्री विकास अवस्थी, न्यायिक सदस्य एवं  
श्री एम बालागनेश, लेखा सदस्य के समक्ष  
BEFORE SHRI VIKAS AWASTHY, JUDICIAL MEMBER AND  
SHRI M. BALAGANESH, ACCOUNTANT MEMBER  
आ.अ.सं. 6133/मुं/2019 (नि.व.20 12-13)  
ITA NO.6133/MUM/2019 (A.Y. 2012-13)

ACIT, CC-4(4),  
Room No. 1922, 19<sup>th</sup> Floor,  
Air India Building, Nariman Point,  
Mumbai-400021.

..... अपीलार्थी /Appellant

बनाम Vs.

M/s Prime Focus Ltd.  
Prima Focus House, Opp. Citybank,  
Linking Road, Khar (W),  
Mumbai-400052.

**PAN: AAACP6811B**

..... प्रतिवादी/Respondent

अपीलार्थी द्वारा/ Appellant by : Ms. Shreekala Pardeshi

प्रतिवादी द्वारा/Respondent by : None

सुनवाई की तिथि/ Date of hearing : 05/08/2021

घोषणा की तिथि/ Date of pronouncement : 30/08/2021

आदेश/ ORDER

**PER VIKAS AWASTHY, J.M:**

This appeal by the Revenue is directed against the order of Commissioner of Income Tax (Appeals)-52, Mumbai [hereinafter referred to as the 'CIT(A)'] dated 14.06.2019 for the Assessment Year (AY) 2012-13.

2. The solitary issue raised in the present appeal is against the assessee's claim for depreciation at the rate of 60% on Plant & Machinery. The assessee has claimed depreciation to the tune of Rs. 18.60 crores at the rate of 60% on Plant & Machinery (computer based items). During assessment proceedings, the Assessing Officer (AO) restricted assessee's claim of depreciation on Plant & Machinery which is in the nature of computers to 15%. The assessee carried the issue in appeal before the CIT(A). The CIT(A) allowed assessee's claim in full by following the order of his predecessor in AY 2011-12. The CIT(A) further observed that the AO has himself allowed assessee's claim of depreciation at the rate of 60% on computer base items in AY 2014-15.

3. Ms. Shreekala Pardeshi representing the Department fairly admitted that the assessee's claim of depreciation at the rate of 60% was allowed by the CIT(A) in the preceding AY and in succeeding AY the AO has allowed the claim of depreciation in full.

4. Submissions made by Id. DR heard, orders of the authorities below examined. The assessee has claimed depreciation at the rate of 60% on computer based equipment, which was restricted to 15% by the AO. In First Appellate proceedings, the CIT(A) has allowed the claim of assessee in full after following the order of First Appellate Authority for AY 2011-12. It is further observed that the AO has himself allowed assessee's claim of depreciation @ 60% on computer based equipment in AY 2014-15. From perusal of the impugned order it is gathered that the issue is perennial. In AY 2005-06, 2007-08 and AYs 2009-10 to 2011-12 the CIT(A) had allowed assessee's similar claim of depreciation on computer based equipments. In appeal by the Revenue, the Tribunal confirmed the order of First Appellate Authority.

5. We find no infirmity in the impugned order, the same is upheld and the appeal of Revenue is dismissed, sans merit.

Order pronounced in the open court on **Monday**, the **30<sup>th</sup>** day of August, 2021.

Sd/-

(M. BALAGANESH)

लेखा सदस्य/ACCOUNTANT MEMBER

मुंबई/Mumbai, दिनांक/Dated: 30/08/2021

SK, PS

Sd/-

(VIKAS AWASTHY)

न्यायिक सदस्य/JUDICIAL MEMBER

**प्रतिलिपि अग्रेषितCopy of the Order forwarded to :**

1. अपीलार्थी/The Appellant ,
2. प्रतिवादी/ The Respondent.
3. आयकर आयुक्त(अ)/ The CIT(A)-
4. आयकर आयुक्त CIT
5. विभागीय प्रतिनिधि, आय.अपी.अधि., मुंबई/DR, ITAT,  
Mumbai
6. गार्ड फाइल/Guard file.

BY ORDER,

//True Copy//

(Dy./Asstt. Registrar)

**ITAT, Mumbai**