

**IN THE INCOME TAX APPELLATE TRIBUNAL
MUMBAI "J" BENCH, MUMBAI**

**[Coram: Pramod Kumar (Vice President)
and Amarjit Singh (Judicial Member)]**

ITA No. 751/Mum/2015
Assessment Year: 2010-11

Dy. CIT(Large Taxpayer Unit)-2 **Appellant**
Mumbai

Vs

M/s. Tata Autocomp Ltd. **Respondent**
Bombay House, 24, Homi Mody Street,
Hutatma Chowk, Mumbai-400 001
[PAN: AAAC T 1848 E]

Appearances by

Manpreet S. Duggle *for the appellant*
Aarti Sathe *for the respondent*

Date of concluding the hearing : June 10, 2021
Date of pronouncement : September 07, 2021

ORDER

Per Pramod Kumar, VP:

1. It is a recalled matter. Vide order dated 18th March, 2019, this appeal was disposed but, subsequently on 10th September, 2020, this order was recalled for the limited purposes of disposing of ground no.2 which, due to an inadvertent mistake, had remained unadjudicated in the order dated 10th September, 2020.

2. The aforesaid grievance, vide ground no. 2, is as follows:

2. On the facts and circumstances of the case and in law, the Ld. DRP erred in directing to delete the addition u/s.36(2)(iii) of the Act of Rs.3,65,37,000/- when the loan was used for purpose of investment only.

3. Learned Representatives fairly agree that the aforesaid issue is covered, in favour of the assessee, by a co-ordinate bench's decision dated 8th November, 2019, in assessee's own case for the assessment year 2011-12. A copy of the said decision was placed before us.

4. We see no reasons to take any other view of the matter than the view so taken by the co-ordinate bench for the assessment year 2011-12. Accordingly, we uphold the order of the Id. CIT(A) on this point and decline to interfere in the matter.

5. Ground no. 2 is thus dismissed, and, to this extent, order dated 18th March, 2019 stands supplemented and modified. Pronounced in the open court on 7th day of September, 2021.

Sd/-
Amarjit Singh
(Judicial Member)

Sd/-
Pramod Kumar
(Vice President)

Mumbai, dated the 7th day of September, 2021
Roshani, Sr. PS

Copies to:

(1)	<i>The Applicant</i>	(2)	<i>The respondent</i>
(3)	<i>CIT</i>	(4)	<i>CIT(A)</i>
(5)	<i>DR</i>	(6)	<i>Guard File</i>

By order

Assistant Registrar
Income Tax Appellate Tribunal
Mumbai benches, Mumbai