

**IN THE INCOME TAX APPELLATE TRIBUNAL  
(DELHI BENCH 'C' : NEW DELHI)**

**BEFORE SHRI ANIL CHATURVEDI, ACCOUNTANT MEMBER  
and  
SHRI AMIT SHUKLA, JUDICIAL MEMBER**

**ITA No.6871/Del./2018  
(ASSESSMENT YEAR : 2015-16)**

DCIT, Circle 13 (2), vs. M/s. Jindal ITF Limited,  
New Delhi. 28, Najafgarh Road, Ramesh Nagar,  
Sivaji Marg,  
New Delhi – 110 015.

**(PAN : AABCJ9263C)**

(APPELLANT)

(RESPONDENT)

ASSESSEE BY : None

REVENUE BY : Shri Kumar Padmapani Bora, Sr.DR

Date of Hearing : 08.12.2021

Date of Order : 08.12.2021

**ORDER**

**PER ANIL CHATURVEDI, AM :**

Aforesaid appeal has been filed by the Revenue against the impugned order dated 16.08.2018 passed by the Id. CIT (A)-5, Delhi for the quantum of assessment passed under section 143(3) of the Income-tax Act, 1961 (for short 'the Act') for the assessment year 2015-16.

2. In various grounds of appeal, the only issue raised by the Revenue is restricting the disallowance of Rs.21,15,14,527/- to

Rs.382/- by the ld. CIT (A) made u/s 14A of the Act which was exempt income earned by the assessee.

3. From the bare perusal of the impugned order passed by the ld. CIT (A), we find that the total exempt income earned by the assessee during the year was Rs.382/-. Ld. AO noted that assessee has huge investments mainly on unquoted strategic investments in subsidiary companies and proceeded to make a disallowance u/s 14A at Rs.21,15,14,527/- u/s 14A of the Act read with Rule 8D(2) of the Income-tax Rules, 1962. Ld. CIT (A) referring to the judgments of Hon'ble Delhi High Court in case of Cheminvest Limited 378 ITR 33 and CIT vs. Holcim India Pvt. Ltd. (2014) 90 CCH 081 (Del.) held that disallowance u/s 14A cannot exceed the exempt income. The aforesaid finding of the ld. CIT (A) is in accordance with law as propounded by the Hon'ble Delhi High Court. So, we do not find any infirmity in the findings returned by the ld. CIT (A) and the same is accordingly upheld. Consequently, the appeal filed by the Revenue is hereby dismissed.

**Order pronounced in open court on this 8<sup>th</sup> day of December, 2021  
after the conclusion of the hearing.**

**Sd/-  
(AMIT SHUKLA)  
JUDICIAL MEMBER**

**sd/-  
(ANIL CHATURVEDI)  
ACCOUNTANT MEMBER**

**Dated the 8<sup>TH</sup> day of December, 2021/TS**

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- 1.Appellant
- 2.Respondent
- 3.CIT
- 4.CIT(A)-5, New Delhi.
- 5.CIT(ITAT), New Delhi.

AR, ITAT  
NEW DELHI.