

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH 'G': NEW DELHI
(Through Video Conferencing)**

**BEFORE,
SHRI AMIT SHUKLA, JUDICIAL MEMBER
AND
SHRI ANADEE NATH MISSHRA, ACCOUNTANT MEMBER**

**ITA No.4849/Del/2018
(ASSESSMENT YEAR 2014-15)**

JCIT (OSD), Circle-16(2), New Delhi.	Vs.	M/s. Media Transasia India Pvt. Ltd., 32, Regal Building, Sansad Marg, Connaught Place, New Delhi-110 001. PAN-AAACM 3542L
(Appellant)		(Respondent)

Appellant By	None
Respondent by	Ms. Rinku Singh, Sr. DR

ORDER

PER ANADEE NATH MISSHRA, AM:

(A) This appeal by Department is filed against the order of Learned Commissioner of Income Tax (Appeals)-6, Delhi, [Ld. CIT(A)", for short], dated 20.04.2018 for Assessment Year 2014-15. Grounds taken in this appeal of Assessee are as under:

“1 Whether on the facts and circumstances of the case, the Ld.CIT(A) is legally justified in allowing expenses of Rs.1,87,29,838/- and Rs.12,44,456/- on account of ‘advertisement & publicity expenses’ and ‘business promotion expenses’ respectively by ignoring the findings of the Assessing Officer (hereinafter referred as “the AO”) and also the fact that the assessee had not discharged its initial onus u/s 37 (1) of the Income Tax Act, 1961 (hereinafter referred as “the Act”) by not furnishing any credible evidence that expenditure was actually incurred wholly and exclusively for the business purpose of the assessee?

2. Whether on the facts and circumstances of the case, the Ld CIT(A) is legally justified in deleting the disallowance of Rs.2,51,968/- u/s 14A of the Act r. w. Rule 8D of the Income Tax Rules, 1962 (hereinafter referred as ‘the Rules’) by not considering the provisions of Section 14 A of the Act which stipulate computation of disallowance u/s 14 A of the Act mandatorily under Rule 8D(2) of the Rules ?

3. Whether on the facts and circumstances of the case, the Ld CIT (A) is legally justified in deleting the disallowance of Rs.2,51,968/- u/s 14A of the Act without considering legal principle that the allowability or disallowability of expenditure under the Act is not conditional upon the earning of the income as upheld by the Hon’ble Supreme Court in the case of CIT Vs. Rajendra Prasad Moody [1978] 115 ITR 519 and without considering ratio decidendi as upheld in the cases of CIT Vs. Walfort Share and Stock Brokers P. Ltd [2010] 326 ITR 1 (SC) and Maxopp Investment Vs CIT [2012] 347 ITR 272 (Delhi) on application of provisions of section 14A of the Act ?

4. That the appellant craves leave to add, amend, alter or forgo any ground/(s) of appeal either before or at the time of hearing of the appeal.”

(B) At the time of hearing, no one was present on behalf of the assessee, but through a written communication dated 01.10.2021 the Learned Authorized Representative (“Ld. AR”, for short) for the assessee informed us that Designated Authority has accepted the application of assessee company under ‘The Direct Tax Vivad Se

Vishwas Act, 2020' ("VSVS", for short). A copy of Form-5 issued by the Designated Authority was also enclosed with the aforesaid letter dated 01.10.2021. Learned Senior Departmental Representative for Revenue submitted before us that this appeal may be treated as withdrawn and may be dismissed on account of the aforesaid VSVS. After due consideration and in view of the foregoing, we are of the opinion that this appeal has become infructuous on account of aforesaid VSVS; and that this appeal may be treated as withdrawn on account of the aforesaid VSVS. Accordingly, this appeal having become infructuous, is treated as withdrawn and is hereby dismissed.

(B.1) Before we part, we hereby clarify, by way of abundant caution, that if for some reason the disputes under this appeal before us are not settled under the aforesaid VSVS, then the assessee will be at liberty to approach ITAT for restoration of this appeal in accordance with law.

(C) In the result, this appeal is dismissed.

This order was already pronounced orally on 20th December, 2021 in Open Court, in the presence of Learned Sr. Departmental Representative, after conclusion of the hearing. Now this order in writing is signed today on 20.12.2021.

Sd/-

(AMIT SHUKLA)
JUDICIAL MEMBER

Dated:20.12.2021

PK/Ps

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

Sd/-

(ANADEE NATH MISSHRA)
ACCOUNTANT MEMBER

ASSISTANT REGISTRAR
ITAT NEW DELHI