

**IN THE INCOME TAX APPELLATE TRIBUNAL
MUMBAI BENCH "G" MUMBAI**

**BEFORE SHRI OM PRAKASH KANT (ACCOUNTANT MEMBER) AND
SHRI RAHUL CHAUDHARY (JUDICIAL MEMBER)**

**ITA No. 693/MUM/2021
Assessment Year: 2013-14**

The Synthetic & Art Silk Mills
Research Association,
Sasmira Marg, Worli,
Mumbai-400025.

Vs.

The Commissioner of Income
Tax (Exemption),
Room No. 617, 6th floor, Piramal
Chamber, Lal Baug, Parel,
Mumbai-400012.

**PAN No. AAATT 4271 E
Appellant**

Respondent

Assessee by : Mr. Tanzil Pedvekar, AR
Revenue by : Mr. Vijay Shankar, CIT-DR

Date of Hearing : 26/04/2022
Date of pronouncement : 26/04/2022

ORDER

PER OM PRAKASH KANT, AM

This appeal has been preferred by the assessee against the Revision order dated 05.03.2021 passed by the Ld. Commissioner of Income Tax (Exemption), Mumbai for assessment year 2013-14. The grounds raised by the assessee are reproduced as under :

- 1. On the facts and circumstances of the case, the power exercised by Ld. Commissioner of Income Tax (in short referred to as the Ld. CIT) under Sec. 263 of the Act, in law, is patently illegal as the Assessment Order subjected to revision is not erroneous or nor it is*

prejudicial to interest of the Revenue and hence, impugned Order dt. 05/03/2021 needs to be quashed.

- 2. On facts and circumstances of the Case, Ld. CIT conveniently misinterpreted provisions of Sec. 10(21) of the Act when language of said provision is plain and unambiguous and any income of the "Research Association" is exempt from Income Tax.*
- 3. The Ld. CIT failed to understand that the Legislature has given exemption to "Any income" as per said expression used at beginning of Sec. 10(21) and also failed to understand that the exemption to Income from Tax is not restricted to particular class or category of Income nor based on source of income.*
- 4. The Ld. CIT misinterpreted provisions of Sec. 10(21) of the Act that the Legislature has treated Research Association' as separate class and only for limited purpose provisions of Sec. 11 of the Act are made applicable mutatis mutandis.*
- 5. The Ld. CIT erred in holding that the income derived from Auditorium Hire Charges, Hoarding Sites & Service charges, and Licence Fees/rent are not connected or incidental to attainment of objectives of the Appellant when no such conditions are present in Sec. 10(21) of the Act and hence, impugned Order is based on erroneous findings & said Order deserves to be squashed.*

2. At the outset, the Ld. Counsel of the assessee submitted that order passed by the Assessing Officer in compliance to the impugned order of the Ld. CIT(E), the assessee has already got relief and therefore, the assessee is not interest in pursuing this appeal.

3. In view of the above submission of the assessee, the present appeal is treated as withdrawn and accordingly dismissed as infructuous.

4. In the result, the appeal filed by the assessee is dismissed.

Order pronounced in the open Court on 26/04/2022.

Sd/-

**(RAHUL CHAUDHARY)
JUDICIAL MEMBER**

Sd/-

**(OM PRAKASH KANT)
ACCOUNTANT MEMBER**

Mumbai;
Dated: 26/04/2022
Rahul Sharma, Sr. P.S.

Copy of the Order forwarded to :

1. The Appellant
2. The Respondent.
3. The CIT(A)-
4. CIT
5. DR, ITAT, Mumbai
6. Guard file.

//True Copy//

BY ORDER,

(Sr. Private Secretary)
ITAT, Mumbai