

आयकर अपीलिय अधिकरण, 'सी' न्यायपीठ, चेन्नई  
**IN THE INCOME TAX APPELLATE TRIBUNAL**  
'C' BENCH, CHENNAI

श्री महावीर सिंह, उपाध्यक्ष एवं श्री मनोज कुमार अग्रवाल, लेखा सदस्य के समक्ष

**BEFORE SHRI MAHAVIR SINGH, VICE PRESIDENT AND  
SHRI MANOJ KUMAR AGGARWAL, ACCOUNTANT MEMBER**

आयकर अपील सं./ ITA No. 2774/Chny/2018

(निर्धारण वर्ष / Assessment Year: 2014-15)

<b>SDS Ramcides Crop Science Pvt. Ltd.,</b> 7 <sup>th</sup> Floor, VBC Solitaire, No. 47 & 49, Bazullah Road, T. Nagar, Chennai – 600 017.	<b>बनाम/</b> Vs.	<b>Deputy Commissioner of Income Tax,</b> Corporate Circle -6(1), Chennai.
स्थायी लेखा सं./जीआइ आर सं./ <b>PAN/GIR No. AAACS-3784-N</b>		
(अपीलार्थी/ <b>Appellant</b> )	:	(प्रत्यर्थी / <b>Respondent</b> )

अपीलार्थी की ओरसे/ <b>Appellant by</b>	:	Shri H. Yeshwanth Kumar, CA
प्रत्यर्थी की ओरसे/ <b>Respondent by</b>	:	Shri P. Sajit Kumar, JCIT

सुनवाई की तारीख/ <b>Date of Hearing</b>	:	07.06.2022
घोषणा की तारीख / <b>Date of Pronouncement</b>	:	15.06.2022

**आदेश / ORDER**

**PER MAHAVIR SINGH, VICE PRESIDENT:**

This appeal by assessee is arising out of the order of Commissioner of Income Tax (Appeals)-15, Chennai in appeal No. 474/2016-17/CIT(A)-15 order dated 28.06.2018. Assessment was framed by Deputy Commissioner of Income-tax, Corporate Circle -6(1), Chennai for AY

2014-15 u/s. 143(3) of the Income-tax Act, 1961 (herein after referred to as 'the Act') vide order dated 25.12.2016.

2. At the outset it is noted that this appeal is time barred by 8 days as the CIT(A) passed the order on 28.06.2018 which was received by assessee on 01.08.2018 and appeal was filed only on 26.09.2018. In the condonation petition, assessee explained that the appeal is within the time as the order of CIT(A) received only on 01.08.2018 and appeal can be filed on or before 30.09.2018, but actually filed before the Tribunal only on 26.09.2018. We note it that the appeal is filed within the time and there is no delay.

3. The only issue in this appeal of assessee is as regards to the order of CIT(A) upholding the action of the AO in making disallowance of depreciation to the extent of Rs. 63,10,205/-.

4. We have heard rival contentions and gone through the facts and circumstances of the case. Ld. Counsel for the assessee before us stated the facts that the assessee has refurbished its office which is a leasehold premises and claimed 100% depreciation on temporary structure, which are in the nature of wireless access point, false roofing, wall to wall carpet, partition walls of temporary structure which are incapable of

being salvaged in the event of vacation of the premises. Ld. Counsel also explained that the Assessing Officer has considered the wrong amount for disallowance while completing the assessment and Assessing Officer has wrongly assumed that the assessee has claimed 100% depreciation on total amount of Rs. 1,26,20,410/-. He stated that the actual facts are that the assessee has made claim of 50% of amount i.e., 63,10,205/- being 50% of the total amount against these assets were put to use w.e.f. 25.03.2014. The Assessing Officer wrongly disallowed the entire amount of Rs. 1,19,89,390/- after reducing 10% of depreciation of 50% i.e., 6,31,021/-. The CIT(A) rectified this mistake but allowed depreciation @ 10% in principal and rectified that the assessee is eligible for 50% of the amount i.e., 63,10,205/-. The Ld. DR could not controvert the above fact situation inspite of specific query raised by the Bench.

5. We noted that the assessee has added the fixed asset for an amount of Rs. 1.26 crores and the same was put to use w.e.f. 25.03.2014 in the financial year 2013-14 relevant to assessment year 2014-15. We noted that the assessee has rightly claimed 50% of the total amount of Rs. 1,26,20,410/- that comes to Rs. 63,10,205/-. The assessee is entitled to this claim of Rs. 63,10,205/- @ 100% depreciation but only half of the depreciation because the asset was put to use only

w.e.f. 25.03.2014. Hence, we allow the claim of assessee and accordingly, appeal of the assessee is allowed.

6. In the result, the appeal of the assessee is allowed.

Order pronounced on 15<sup>th</sup> June, 2022.

Sd/-  
(मनोज कुमार अग्रवाल)  
**(MANOJ KUMAR AGGARWAL)**  
लेखा सदस्य /ACCOUNTANT MEMBER

Sd/-  
(महावीर सिंह)  
**(MAHAVIR SINGH)**  
उपाध्यक्ष /VICE PRESIDENT

चेन्नई / Chennai; दिनांक / Dated : 15-06-2022

**JPV**

**आदेश की प्रतिलिपि अग्रेषित/Copy of the Order forwarded to :**

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकर आयुक्त (अपील)/CIT(A)
4. आयकर आयुक्त/CIT
5. विभागीय प्रतिनिधि/DR
6. गार्ड फाईल/GF