

आयकर अपीलीय अधिकरण "ए" न्यायपीठ पुणे में ।
IN THE INCOME TAX APPELLATE TRIBUNAL "A" BENCH, PUNE

**BEFORE SHRI S.S.GODARA, JM
AND SHRI DR. DIPAK P. RIPOTE, AM**

आयकर अपील सं. / ITA No.1953/PUN/2019
निर्धारण वर्ष / Assessment Year : 2012-13

Adurjee & Bros. Pvt. Ltd.,
16-B/1, Sarosh Bhavan,
Dr. Ambedkar Road,
Pune - 411 001

PAN : AABCA4890J

.....अपीलार्थी / Appellant

बनाम / V/s.

DCIT, Cen. Cir. 1(1), Pune

.....प्रत्यर्थी / Respondent

Assessee by : Shri R.S. Abyankar
Revenue by : Shri S. P. Walimbe

सुनवाई की तारीख / Date of Hearing : 09.06.2022
घोषणा की तारीख / Date of Pronouncement : 19.07.2022

आदेश / ORDER

PER S. S. GODARA, JM :

1. This assessee's appeal for A.Y. 2012-13 is directed against the CIT(A)-11, Pune's order dated 03/10/2019 passed in case No. PN/CIT(A)-11/DCIT Cen.Cir.1(1)/PN/228/2014-15 involving proceeding u/s. 143(3) of the Income Tax Act, 1961; in short "the Act".

Heard both the parties. Case file perused.

2. Learned counsel states at the outset he is only pressing for the assessee's second substantive ground challenging correctness of both the

lower authorities action making section 14A r.w. Rule 8D disallowance of Rs. Rs. 79,22,635/-(indirect expenditure) in relation to its exempt income from dividends and share of profit from partnership firms amounting to Rs.61,63,889/- and (-) Rs15600; respectively, coming to net sum of Rs.61,48,289/-.

3. Learned counsel invited our attention to the Assessing Officer's detailed computation sheet Annexure – 1 that he had considered the assessee's entire investments as against those only yielding exempt income. Faced with this situation and in light of this tribunal's Special Bench decision in ACIT V/s Vireet Investments (P) Ltd. 82 taxmann.com 415 (Delhi- Trb.) (SB), we reject the Revenue's vehement arguments supporting the impugned disallowance in principle and direct the assessing authority to frame afresh computation as per law in above terms. Ordered accordingly.

No other ground has been pressed before us.

4. This assessee's appeal is partly allowed for statistical purposes in above terms.

Order pronounced in the Open Court on this 19th day of July, 2022.

Sd/-

Sd/-

(DR.DIPAK P.RIPOTE)

(S.S. GODARA)

लेखा सदस्य/ **ACCOUNTANT MEMBER**

न्यायिक सदस्य/ **JUDICIAL MEMBER**

पुणे / Pune; दिनांक / Dated : 19th July, 2022.

Ashwini

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

1. अपीलार्थी / The Appellant.
2. प्रत्यर्थी / The Respondent.
3. The CIT(A)-11, Pune.
4. The Pr.CIT(Central), Pune.
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, "ए" बेंच,
पुणे / DR, ITAT, "A" Bench, Pune.
6. गार्ड फ़ाइल / Guard File.

आदेशानुसार / BY ORDER,

// True Copy //

Senior Private Secretary
आयकर अपीलीय अधिकरण, पुणे / ITAT, Pune.

S.No.	Details	Date	Initials
1	Draft dictated on	09.06.2022	
2	Draft placed before author	04.07.2022	
3	Draft proposed & placed before the Second Member		
4	Draft discussed/approved by Second Member		
5	Approved Draft comes to the Sr. PS/PS		
6	Kept for pronouncement on		
7	Date of uploading of Order		
8	File sent to Bench Clerk		
9	Date on which the file goes to the Head Clerk		
10	Date on which file goes to the A.R.		
11	Date of Dispatch of order		