

IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH "H" NEW DELHI

BEFORE SHRI CHALLA NAGENDRA PRASAD, JUDICIAL MEMBER

AND

SHRI [Dr.] B.R.R. KUMAR, ACCOUNTANT MEMBER

आ.अ.सं./I.T.A No. 5889/Del/2019
निर्धारणवर्ष/Assessment Year: 2015-16

DCIT, Circle : 25 (1), New Delhi.	<u>बनाम</u> Vs.	M/s. Techno Trexim (India) Pvt. Ltd., 806, Devika Tower, 6, Nehru Place, New Delhi - 110 019.
		PAN No. AA ACT4360K
अपीलार्थी/ Appellant		प्रत्यर्थी/ Respondent

निर्धारितीकीओरसे / Assessee by :	Shri Inder Paul Bansal, Adv.; & Shri Vivek Bansal, Advocate.
राजस्वकीओरसे / Department by :	Shri M. Baranwal, [CIT] - D. R.;

सुनवाईकीतारीख/ Date of hearing :	05.09.2022
उद्घोषणाकीतारीख/Pronouncement on :	05.09.2022

आदेश / ORDER

PER C. N. PRASAD, J.M.

1, This appeal is filed by the Revenue against the order of the
Ld. Commissioner of Income Tax (Appeals)-9, New Delhi [hereinafter

referred to CIT (Appeals)] dated 11.04.2019 in deleting the disallowance under section 14A read with Rule 8D of the Act for the Assessment Year 2015-16.

2. At the outset, the ld. Counsel for the assessee submits that during the assessment year the assessee did not receive any exempt income and the ld. CIT (Appeals) deleted the disallowance. Following the decision of the Hon'ble Delhi High Court in the case of Cheminvest Limited Vs. CIT (378 ITR 33). The ld. Counsel further submits that in a recent decision, the jurisdictional High Court in the case of PCIT Vs. Eros Infrastructure (India) Ltd. In ITA. 204/Del/2022 dated 20.07.2022 held that the Amendment brought in by the Finance Act, 2022 to the provisions of section 14A of the Act clarifying even if there is no exempt income the provisions of section 14A read with Rule 8D have application was held to be applicable only prospectively.

3. The ld. DR supported the order of the Assessing Officer.

4. Heard rival submissions perused the orders of the authorities below. We observe that the ld. CIT (Appeals) deleted the disallowance made under section 14A of the Act for the reason that the assessee did not receive any exempt income during the assessment year under consideration. The ld. CIT (Appeals) followed the decision of the Hon'ble Delhi High Court in the case of Cheminvest Limited Vs. CIT (supra). We further observe that recently the Hon'ble Delhi High Court in the case of PCIT Vs. Eros Infrastructure (India) Ltd. (supra) and the Hon'ble Delhi High Court following the decision of apex court in the case of Sedco Forex International Drill. Inc Vs. CIT (2005) 12 SCC 717 and the decision of the Hon'ble Supreme Court in the case of M.M. Aqua Technologies Ltd. Vs. CIT in Civil Appeal Nos. 4742 and 4743 of 2021 (dated 11.08.2021) held that the Amendment to section 14A of the Act w/o for removal of

doubts cannot be presumed to be retrospective. Thus, we do not see any infirmity in the order passed by the Id. CIT (Appeals) in deleting the disallowance made under section 14A read with Rule 8D of the Act. Grounds raised by the Revenue are rejected.

5. In the result, appeal of the Revenue is dismissed.

Order pronounced in the open court on : 05/09/2022

Sd/-
(B. R. R. KUMAR)
ACCOUNTANT MEMBER

Sd/-
(C. N. PRASAD)
JUDICIAL MEMBER

Dated : 05/09/2022

MEHTA

Copy forwarded to :-

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

ASSISTANT REGISTRAR
ITAT, New Delhi.

Date of dictation	05.09.2022
Date on which the typed draft is placed before the dictating member	05.09.2022
Date on which the typed draft is placed before the other member	05.09.2022
Date on which the approved draft comes to the Sr. PS/ PS	05.09.2022
Date on which the fair order is placed before the dictating member for pronouncement	05.09.2022

Date on which the fair order comes back to the Sr. PS/ PS	05.09.2022
Date on which the final order is uploaded on the website of ITAT	05.09.2022
Date on which the file goes to the Bench Clerk	05.09.2022
Date on which the file goes to the Head Clerk	
The date on which the file goes to the Assistant Registrar for signature on the order	
Date of dispatch of the order	