

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

BEFORE SHRI PARTHA SARATHI CHAUDHURY,
JUDICIAL MEMBER
AND DR. DIPAK P. RIPOTE, ACCOUNTANT MEMBER

आयकरअपीलसं. / ITA No's.2549 & 2550/PUN/2016
निर्धारणवर्ष / Assessment Years : 2012-13 & 2013-14

The Income Tax Officer, Ward-2(2), Pune.	Vs	M/s.Golden Trellis Developments, S.No.38(1), 779, Balewadi, Pune – 411045. PAN: AAAAG 6124 C
Appellant/ Revenue		Respondent /Assessee

Assessee by	Shri Hari Krishan – AR
Revenue by	Shri S P Walimbe & Shri Shivraj B More – CIT-DR
Date of hearing	26/07/2022
Date of pronouncement	21/10/2022

आदेश/ ORDER

PER DR. DIPAK P. RIPOTE, AM:

These two appeals filed by the Revenue are directed against the separate orders of Id.Commissioner of Income Tax(Appeals)-3, Pune, dated 08.08.2016 & 12.08.2016 for the A.Y. 2012-13 and 2013-14 respectively. The Appellant Revenue in A.Y.2012-13 has raised the following grounds of appeal:

"1. On the facts and circumstances of the case, the CIT(A) has erred in allowing the assessee claim of deduction of Rs.24,39,34,737/- u/s 80IB(10) for A.Y.2012-13, when the assessee had failed to obtain the completion certificate from the local authority within the stipulated due date 31.03.2012 as per provisions of Section 80IB(10)(a) of the I.T.Act, 1961.

2. On the facts and circumstances of the case, the CIT(A) has failed to appreciate the fact the that the occupancy certificate

issued by licensed architect was rejected by the PMC within 21 days from date of receipt of application on major objection i.e. not handing over possession of amenity space & road widening space which was obligatory on the party of the assessee as per sanctioned lay out.

3. On the facts and circumstances of the case, the CIT(A) has erred in relying upon the judgment of Bombay High Court delivered in the case of CIT Aurangabad Vs Hindustan Awas Ltd. (2016) 284 CTR 43, where completion certificate was issued by local authority on the basis of licensed architect completion certificate after specified due date without raising any objection. In the instant case, major objection was raised by the local authority within 21 days from the date of receipt of application.”

2. The issue involved and facts of both these appeals are identical hence both the appeals were heard together and are disposed by a common order. For the sake of convenience, the appeal in ITA No.2549/PUN/2016 for AY 2012-13 is taken as lead case and discussed here under.

3. Brief facts of the case as emanating from the Assessment Order are that the assessee filed Return of income on 29/09/2012 for AY 2012-13 showing NIL income and claiming deduction u/s 80IB(10) of the Act of Rs. 24,39,34,737/- in respect of its Housing Project ‘Golden Trellis’. Similarly assessee filed return of Income on 27/09/2013 for AY 2013-14 claiming deduction u/s.80IB(10) of Rs.3,07,87,416/- in respect of its Housing Project ‘Golden Trellis’. As per form 10CCB filed by the assessee in the paper book, the date of approval of the project is 29/03/2007. The AO in the assessment order has mentioned that the project was approved by Commencement certificate numbers CC No.4733/06 29/03/2007.,

CC No.4729/06 dated 29/03/2007 and CC No.4727/06 dated 29/03/2007. The AO in the assessment order has mentioned that the assessee submitted application for Completion Certificate on 30/03/2012 and the same was rejected by the Pune Municipal Corporation vide letter dated 02/04/2012 for the reason of amenity space and road widening space not handed over to Pune Municipal Corporation. The Pune Municipal Corporation issued the completion certificate on following dates:

Completion Certificate Number	Date of issue of Completion certificate by Municipal Corporation	Wing	Residential Unit
4680	13/12/2013	B	44
4679	13/12/2013	C	39
4668	21/02/2014	E	44

Therefore the AO rejected the Assessee's claim of deduction u/s 80IB(10) as the project was not complete before 31/03/2012.

3.1. The Ld.CIT(A) allowed the appeal of the assessee. Aggrieved by the order of the Ld.CIT(A) the Income Tax Department has filed the appeal before this tribunal.

4. The Ld. Authorised Representative of the Assessee (ld.AR) filed paper book and written submission. We specifically asked the AR to file copy of the approved Plan which was filed by him and he also explained the plan to us. The relevant portion of the written submission of the Ld.AR is reproduced here under:

Quote, “ 2.(a) Three separate applications dated 28-03-2012, incorporating the completion certificates issued by the architect Mr. Avinash Nawathe, were submitted in the Pune Municipal Corporation on 30-03-2012 for issuing occupancy certificates. These applications were filed alongwith the following documents:

(i) Structural stability certificate.

(ii) No objection certificate dated 22-03-2012 from the Chief Fire Officer Pune Municipal Corporation, giving final fire No Objection Certificate to use the buildings. As mentioned in its first para, the certificate has been issued after visiting the site on 21-03-2012 and testing the Hydrant System, Hose reel system with equipment and the portable fire extinguisher.

(ii) Road NOC (No Objection Certificate) dated 26-03-2012, issued by the Executive Engineer Construction Control Department, Pune Municipal Corporation for issuing construction completion certificate. In this No Objection Certificate it is clearly mentioned that the Road Department has no objection against sanction of FSI against the road widening area of the subject property and against issue of construction completion certificate.

(iv) Indemnity Bond.

(v) Lift user certificate (the license) dated 29-02-2012 issued by the Chief Engineer (Electricals) and the Electrical Inspector (Lift) of the Government of Maharashtra, Mumbai, for working of the lift.

(b) The Pune Municipal Corporation however rejected the applications for issue of occupancy certificate vide letter dated 02-04-2012 for the reason that the possession of amenity space and road widening area is not given to the Pune Municipal Corporation.

3. Regarding the handing over of the possession of the land, for the amenity space and for widening of the road, to the Pune Municipal Corporation the date wise events are explained as under.

Sr.No.	Date	Particulars/Event	Remarks
1	04-03-2011	Letter dated 04-03-2011 written by Mr. Avinash Nawathe Architect of the assessee addressed to the Assistant Engineer Road Development of Pune Municipal Corporation submitted in their office on 04-03-2011 making a request for NOC in this regard.	Remarks Page No. 34 & 35 of the paper book. Page 2 para 4 (1) of the assessment order
2	04-03-2011	Letter dated 04-03-2011 written by Mr. Avinash Nawathe Architect to the Deputy Commissioner Land and Property Department, of Pune Municipal Corporation submitted in their office on 04-03-2011 requesting for completing the procedure and take possession of the area for road widening admeasuring 2737.21 Sq. Mtr. and issue possession letter	Page 36 and 37 of the paper book.
3	22-03-2012	On the basis of challan No. 157576 issued by, Pune Municipal Corporation on 15.03.2012 assessee made the payment of Rs. 54,92,882/- on 22-03-2012 regarding Mtr. coming under the road	Copy of the challan in the Marathi language and itsE nGLISH translation are enclosed

		widening.	
4	26-03-2012	Letter dated 26-03-2012 written by the executive Engineer Construction Department, Pune Municipal Corporation with reference to the proposal dated 04-03-2011 submitted by Mr. Avinash Nawathe Architect and its and the construction sanction letter dated 05-02-2010 of the Pune Municipal Corporation, mentioned are that the Road Department has no objection for issue of construction completion certificate	Copy of the letter dated 26-03-2012 in Marathi language and its English translation are enclosed
5	27-03-2012	Letter dated 27-03-2012 written by Deputy Engineer Road, Pune Municipal Corporation to Deputy Engineer Land and Property, Pune Municipal Corporation for further necessary action to the proposal and its dated 04-03-2011 by the Architect of English the assess and the opinion of Road Department dated 18-04-2011 and are the payment of Rs.54,92,882/- deposited by the assessee on 22-03 2012 in this regard for handing over possession of the area admeasuring 2737.50 Sq. Mtr. For road	Copy of the letter dated 27-03-2012 in Marathi language and its English translation are enclosed.

		widening.	
6	18-05-2012	Letter issued by The Deputy Superintendent Land records Pune to letter in the assessee mentioning that the land inspector/Circle Land Offer of have completed the measurement accordingly to occupancy/boundaries as shown by the assessee on 18-05- 2012 of the land.	Copy of the letter in Marathi language and its English translation are enclosed.
7	01-08-2012	Letter dated 01-08-2012 written by Copy of the the Deputy Engineer letter dated and Development Department, Pune Municipal Corporation addressed to the Dy. Land and Property Pune Municipal Corporation, mentioning and it's that the Development Planning English Department has no objection against translation acquiring the possession of 8056.25 are Sq. Mtr. and that action may be taken in this regard after taking the opinion of the legal department.	Copy of the letter dated 01-08-2012 in Marathi language and its English translation are enclosed.
8		Letter dated 15-12-2012 written the Deputy Commissioner Land Acquisition and	Copy of the letter dated 15-12-2012 in Marathi language and its

		<i>Administration, Pune Municipal Corporation to the Tehsilder Pune, mentioning that the assessee have handed over the and its possession of 1804.45 Sq. Mtr. Of English land for DP Road on 19-10- 2012 and the transfer documents in this are respect is registered on 23-10-2012 and the Tehsilder has been requested to make necessary entry and issuing revised 7/12 extract/property card.</i>	<i>English translation are enclosed.</i>
9	06-05-2013	<i>Letter dated 06-05-2013 written by Deputy Commissioner of Land Acquisition and Administration, Pune that possession of 5469.45 Sq. Mtr. Land is taken on 25-10- 2012 for and its Amenities Space and the name of the Pune Municipal Corporation is recorded in 7/12 extracts/property are card</i>	<i>Copy of the letter dated 06- 05-2013 in Marathi language and its English translation are enclosed.</i>

Thereafter on 07-11-2013, the Assessor and Collector of Taxes Pune Municipal Corporation has issued the No Dues Certificate in respect of the project.

The above internal process/procedure within the various branches/departments of the Pune Municipal Corporation has taken

quite long time. On completion of the above process/procedure as per the requirement of Pune Municipal Corporation rules the assessee accordingly resubmitted the applications before the Pune Municipal Corporation for issuing the occupancy certificates. Accordingly, the Pune Municipal Corporation issued occupancy certificates in respect of building B, building C and building E of the project, respectively.

3.1 The Hon'ble Bench has inquired that, if B, C & E wings were completed before 31-03-2012, then why the dates of the commencement certificate Nos.CC/2200/13, CC/2199/13 and CC/2782/13 dated 11-10-2013, 11-10-2013 and 21-11-2013 respectively, mentioned in the occupancy certificates issued by the Pune Municipal Corporation are of the period latter than 31-03-2012.

It is respectfully submitted that the applications for obtaining the occupancy certificates are required to be made in the proforma prescribed under the by-laws u/s 458(15) of the Bombay Provincial Municipal Corporations Act, 1949. As per the prescribed proforma the application for occupancy certificate, is made in respect of the site on which the building/project has been constructed. The application has to include a completion certificate, issued by the Registered Architect who has supervised the development work on the said site, certifying that the development work has been completed according to the plans sanctioned vide the commencement certificate issued last before filing the application. The commencement certificates, mentioned in the completion certificates of the Registered Architect, issued last before making the applications in this case for wing B, C and E are not in respect of wing B, C and E. These commencement certificates are in respect other buildings i.e., Wing A, D and G, constructed on the said site latter on. Wings A, D and G were not part of the section 80 IB (10) Housing Project. It is further clarified that the assessee has not claimed any deduction u/s 80 IB (10) in respect of wings A, D and G constructed latter on. ” Unquote.

5. The Ld.AR relied on following case laws:

Hindusthan Samuh Awas Ltd 62taxmann.com175(Bom)

Span SM Developers ITA 46/Pune/2010

Ambey Developrs P Ltd 399ITR216(P&H)

Gera Development P Ltd ITA 598/Pune/2013

CIT vs Global reality 379 ITR 107 (MP)

Ujjwal Construction ITA 607/Pune/2011

Kumar Builders Consortium ITA 1128/Pn/2012

6. DR's Submission :

The Ld.Ddepartmental Representative for the Revenue(ld.DR) explained that as per the Act, to claim deduction u/s 80IB (10) the project should have been completed on or before 31/03/2012. The Ld.DR explained that the "Project" means the entire project. In this case the Project consists of 6 wings like A, B, C, D, E, F, G. None of these wings were complete on or before 31/03/2012. The Municipal Corporation rejected the application made by the assessee for completion because the amenities were not complete. The Ld.DR further explained that none of the amenities like Parking, Club House etc., were complete. The Ld.DR further submitted that the application submitted on 30/03/2012 was just a strategy by which an incomplete application knowingly submitted by the assessee, the assessee was well aware of the fact that the project was not complete, but just then also assessee submitted the application to create the evidence. Otherwise, logically when an application for completion is submitted the Municipal Corporation will take a reasonable time to do the inspection and with-out inspection the Corporation cannot

issue the completion certificate. It means any way the project was not complete on 31/03/2012. The Ld.DR submitted that since the project was not complete the AO has rightly rejected the assessee's claim of 80IB(10) deduction.

6.1 The Ld.DR also submitted that without obtaining completion certificate, the project is not complete and as per the law the customers are not permitted to occupy the premises. Thus, even if someone occupies the premises, it is an illegal act. One arm of the law cannot be used to defeat the purpose of another arm of the law.

DECISION:

7. We have heard both the parties, perused the documents. It is an admitted fact by both the parties that the impugned project was first approved on 29/03/2007. As per the provisions of Section 80IB(10) the project should have been completed on or before 31/03/2012.

8. The Section 80-IB(10) applicable to the year under consideration is reproduced here under :

“(10) The amount of deduction in the case of an undertaking developing and building housing projects approved before the 31st day of March, ⁴³[2008] by a local authority shall be hundred per cent of the profits derived in the previous year relevant to any assessment year from such housing project if,—
(a) such undertaking has commenced or commences development and construction of the housing project on or after the 1st day of October, 1998 and completes such construction,—

- (i) in a case where a housing project has been approved by the local authority before the 1st day of April, 2004, on or before the 31st day of March, 2008;
- (ii) in a case where a housing project has been, or, is approved by the local authority on or after the 1st day of April, 2004 [but not later than the 31st day of March, 2005], within four years from the end of the financial year in which the housing project is approved by the local authority;
- [(iii) in a case where a housing project has been approved by the local authority on or after the 1st day of April, 2005, within five years from the end of the financial year in which the housing project is approved by the local authority.]

Explanation.—For the purposes of this clause,—

- (i) in a case where the approval in respect of the housing project is obtained more than once, such housing project shall be deemed to have been approved on the date on which the building plan of such housing project is first approved by the local authority;
 - (ii) the date of completion of construction of the housing project shall be taken to be the date on which the completion certificate in respect of such housing project is issued by the local authority;
- (b) the project is on the size of a plot of land which has a minimum area of one acre:
- Provided** that nothing contained in clause (a) or clause (b) shall apply to a housing project carried out in accordance with a scheme framed by the Central Government or a State Government for reconstruction or redevelopment of existing buildings in areas declared to be slum areas under any law for the time being in force and such scheme is notified by the Board in this behalf;
- (c) the residential unit has a maximum built-up area of one thousand square feet where such residential unit is situated within the city of Delhi or Mumbai or within twenty-five kilometres from the municipal limits of these cities and one thousand and five hundred square feet at any other place;
[***]
 - (d) the built-up area of the shops and other commercial establishments included in the housing project does not exceed [three] per cent of the aggregate built-up area of the housing project or [five thousand square feet, whichever is higher];]
- [(e) not more than one residential unit in the housing project is allotted to any person not being an individual; and
- (f) in a case where a residential unit in the housing project is allotted to a person being an individual, no other residential unit in such housing project is allotted to any of the following persons, namely:—
 - (i) the individual or the spouse or the minor children of such individual,

- (ii) *the Hindu undivided family in which such individual is the karta,*
(iii) *any person representing such individual, the spouse or the minor children of such individual or the Hindu undivided family in which such individual is the karta.]*

7. The Hon'ble Supreme Court in the case of Commissioner of Customs (Import), Mumbai Vs. Dilip Kumar & Company 69 GST 239 (SC) has held as under :

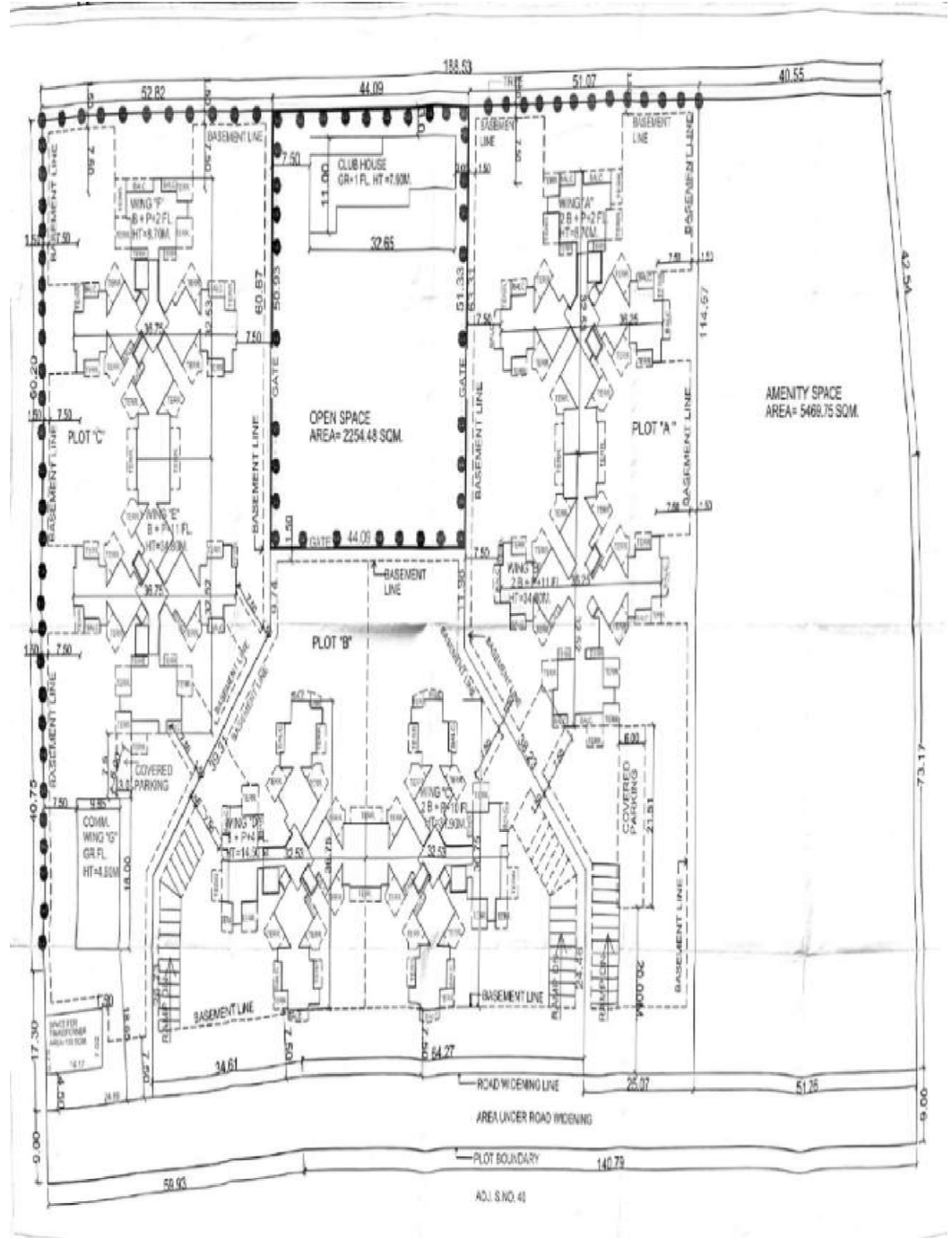
To sum up, we answer the reference holding as under —

<i>"(1)</i>	<i>Exemption notification should be interpreted strictly; the burden of proving applicability would be on the assessee to show that his case comes within the parameters of the exemption clause or exemption notification.</i>
<i>(2)</i>	<i>When there is ambiguity in exemption notification which is subject to strict interpretation, the benefit of such ambiguity cannot be claimed by the subject/assessee and it must be interpreted in favour of the revenue.</i>
<i>(3)</i>	<i>The ratio in Sun Export case (supra) is not correct and all the decisions which took similar view as in Sun Export Case (supra) stands over-ruled."</i>

7.1 In the case under consideration Section 80IB(10) is a section which grants 100% deduction of the profit earned from the eligible project. Therefore, as held by Hon'ble SC (supra), the eligibility criteria has to be strictly interpreted.

8. In this case it is an admitted fact by both the parties that the Assessee submitted an application to the Pune Municipal Corporation for obtaining 'Part Completion Certificate' on 30/03/2012 (Friday). It is also a fact that the Municipal Corporation

issued letter dated 02/04/2012 (Monday) to the assessee intimating the assessee that its application for completion certificate has been rejected due to amenity space non submission and non submission of space for road widening. Thus, the Municipal Corporation rejected the application of the assessee on 02/04/2012. Now, the most important fact to be understood is that the 30/03/2012 was a FRIDAY and 02/04/2012 was MONDAY which has not been brought on record by the AO, CIT(A). Thus, the Municipal Corporation had rejected the application of the assessee for part completion certificate on the immediate next working day. Thus, there has been no delay on the part of the Municipal Corporation on acting on the application of the Assessee. As per the Rule 7.2 of the Development Control Rules the Municipal Corporation Conducts Inspection of the project after receipt of the Application of the Developer/builder for part Completion certificate. In this case, there are certain other important facts to be considered which were submitted by the Ld.AR during the hearing before us. We had directed the Ld.AR to submit copy of the approved plan. Accordingly, the assessee submitted copies of the Approved plan. The impugned scan copy of the Plan as under:



9. The Assessee also explained the Drawing (approved plan) to us during the hearing. Thus, it is observed that, as explained by the assessee, there were wings A,B,C,D,E,F,G as per the approved Plan. All these wings i.e A, B,C,D,E,F ,G are apparently not independent as they have common basement i.e. the basement of all these wings is connected , basically it means there is a big basement on which the superstructure called wings have been constructed which have

Common parking for all these wings. **The common basement parking has only one entry and only one exit as explained by the assessee during the hearing based on the approved plan.** It was an admitted fact by the Ld.AR after taking instructions from the Assessee during the hearing that the common basement parking, the road going to the parking was not complete on 31/03/2012. Parking is most important amenity. Also, it was admitted by the Ld.AR that in the center of these wings A, B, C, D, E, F, G there was to come up Club House. Thus, many of such amenities were not complete before the statutory date 31/03/2012. Therefore, the Municipal Corporation had rejected the application of the assessee.

10. The project as approved by the Municipal Corporation on the land bearing Survey Number 38 H.No.7, Balewadi Pune was a building with wings A to G with common basement, corridors. The units A to G were apparently not independent units but wings which were connected to each other, **this fact needs further verification.** This project was called by the Assessee as Golden Trellies. This project was having only one club house, which apparently was not complete on 31/03/2012. This project has a common boundary wall, common Electricity Transformer as seen in the plan. This project was not complete on 31/03/2012 as appearing from the completion certificate issued by the Municipal Authorities. The application submitted on 30/03/2012 by the assessee was for making a request to

the Municipal Corporation to issue a “Part Completion Certificate” which has been referred by the Assessee.

11. Before us, the Ld.AR submitted that the proposal for submission of land for road widening was submitted vide letter dated 04/03/2011 to the Municipal Corporation by the Assessee. Therefore, the Ld.AR submitted that the delay in acquiring the land for road widening was on account of Municipal Corporation. Hence, the objection raised by the Municipal Corporation was not valid. We have gone through the Letter dated 04/03/2011 (page 36 of PB) , it seems that the assessee had made an offer to the Municipal Authorities .It is important to mention here that the Ld.DR submitted that these documents were never filed before the lower authorities. The Ld.AR submitted application for admission of additional evidence. However, as discussed in earlier paras, the application for part completion certificate was rejected on two grounds by Pune Municipal Corporation, one was road and another amenity spaces. Regarding amenity space we have discussed in earlier paras. Therefore, in totality of the circumstances, we are of the opinion that there was no delay on the part of the Municipal Authorities.

12. Discussion on case laws submitted by the Ld.AR:

12.1. CIT Vs. Hindusthan Samuh Awas Ltd 377 ITR 150(Bom) : In this case Hon’ble Bombay High Court has observed as under :

Quote, “ Unfortunately, Sub-section (10) and the explanation do not give any importance to the issuance of such Completion Certificate by the concerned architect. It gives importance only to the certificate of Municipal authority. It is common knowledge that an application for Completion Certificate submitted to the Municipal Authorities is accompanied by a Completion Certificate issued by the concerned architect. No doubt, the Municipal authorities then cause inspection of the site and verify the claim. Thereafter, they issue Completion Certificate. But, if a project is really complete before 31.03.2008 and an application is moved quite in time, for seeking Completion Certificate from the Municipal authorities, and if they do not take steps urgently and delay the issuance of Completion Certificate from their side, can it be said that such certificate would alone decide the date of completion of the project? The answer is in negative.” Unquote.

12.2. In the case of Hindusthan Samuh Awas Ltd the Municipal Authority had not taken any steps after the application was submitted. But in the case of the assessee the Pune Municipal Corporation issued a rejection letter on 2/4/2012 (Monday) and the assessee had applied on Friday. Thus the rejection was issued immediately on the very next day. Hence the said decision is not applicable on the facts of the present case.

12.3. Ambey Developers P Ltd : In this case the assessee has submitted application for completion on 29/3/2010 , the Municipal Corporation had not taken any objection. Hence it is distinguishable on facts.

12.4. Gera Development P Ltd ITA No.598/Pune/2013 : In the case of Gera , the Gera Development P Ltd had submitted application for completion certificate on 04/12/2007, much before the statutory date.

The Municipal Corporation has not pointed out any defect. Or has not taken any objection. Hence, it is distinguishable on facts.

12.5. CIT vs Global reality 379 ITR 107 (MP) : In this case the Municipal corporation certified that the project was completed on 27/2/2008 which was within time. Hence it is distinguishable on facts.

12.6. Ujjwal Construction ITA No.607/PUN/2011 : This is the case which pertains to period prior to 01/04/2005 i.e. period prior to the amendment. Hence, the said case law is not applicable.

12.7. Kumar Builders Consortium ITA 1128/PUN/2012: In this case the project had received the completion certificate within time. The dispute was on date of commencement. Hence, it is distinguishable on facts.

In income Tax Proceedings, facts of the case matter the most. Every case depends on the facts of the case. Therefore, while considering the case law one has to understand the facts of that particular case vis-à-vis the case under consideration. Therefore, the case laws relied by the assessee are all distinguishable on facts.

13. The ld.DR submitted that many of the facts, documents which were submitted before the bench were admittedly not submitted before the lower authorities. The Ld.AR has admitted this fact. The Ld.AR submitted that all these documents go to the root of the issue

and some of the documents were submitted in response to the query raised by the bench. Therefore, Ld.AR submitted that these documents may be admitted as additional evidence. We have discussed some of the documents like the Approved plan etc in earlier paras. Since, these documents go to the root of the issue we admitted them as additional evidence. In the interest of justice, the revenue must get an opportunity to study these documents. Therefore, we set aside the case to the AO. Assessee is permitted to file all the documents which it wishes to rely upon. Similarly, the AO may collect necessary documents from Pune Municipal Corporation. The AO is directed to collect the information and find out the exact date when the amenities like Club House, Basement parking, Electricity transformer, sewage line were completed. The assessee had not submitted before us copy of the documents which were attached to the application made by the Assessee for part completion and final completion. One of the document as per the DC Rules is affidavit of the Architect submitting exact details of the completion along with the drawing marking completion. The AO shall collect these documents. The AO is directed to give opportunity to the assessee and confront all the information collected by AO.

14. Thus, the case is set aside to the AO, the grounds raised by the Revenue are allowed for statistical purpose.

ITA No.2550/PUN/2016 for A.Y. 2013-14:

15. The facts of the case in ITA No.2550/PUN/2016 are same as in ITA No.2549/PUN/2016, as it is the same project i.e. Golden Trellis, therefore, our decision in ITA No.2549/PUN/2016 will apply mutatis-mutandis to the appeal in ITA No.2550/PUN/2016, accordingly, appeal of the Revenue is allowed for statistical purpose.

16. In the result, both appeal of the Revenue in ITA No.2549/PUN/2016 & ITA No.2550/PUN/2016 are Allowed for Statistical Purposes.

Order pronounced in the open Court on 21st October, 2022.

Sd/-
(PARTHA SARATHI CHAUDHURY)
JUDICIAL MEMBER

Sd/-
(DR. DIPAK P. RIPOTE)
ACCOUNTANT MEMBER

पुणे / Pune; दिनांक / Dated : 21st October, 2022/ SGR*

आदेशकीप्रतिलिपिअग्रेषित / Copy of the Order forwarded to :

1. अपीलार्थी / The Appellant.
2. प्रत्यर्थी / The Respondent.
3. The CIT(A), concerned.
4. The Pr. CIT, concerned.
5. विभागीयप्रतिनिधि, आयकर अपीलीय अधिकरण, "ए" बेंच, पुणे / DR, ITAT, "A" Bench, Pune.
6. गार्डफ़ाइल / Guard File.

आदेशानुसार / BY ORDER,

// TRUE COPY //

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