

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH 'A', NEW DELHI**

Before Sh. Kul Bharat, Judicial Member

Dr. B. R. R. Kumar, Accountant Member

ITA No. 2369/Del/2019 : Asstt. Year : 2013-14

ITA No. 2370/Del/2019 : Asstt. Year : 2014-15

ITA No. 2371/Del/2019 : Asstt. Year : 2015-16

Bar Chem, C-533, Defence Colony, New Delhi-110024	Vs	ACIT, Circle-54(1), New Delhi-110002
(APPELLANT)		(RESPONDENT)
PAN No. AAGFB6071Q		

Assessee by : Sh. V. P. Gupta, Adv.

Revenue by : Sh. Kanav Bali, Sr. DR

Date of Hearing: 26.10 .2022

Date of Pronouncement: 31.10.2022

ORDER

Per Dr. B. R. R. Kumar, Accountant Member:

The present appeals have been filed by the assessee against the orders of Id. CIT(A)-18, New Delhi dated 18.01.2019 and 31.01.2019.

2. In ITA No. 2369/Del/2019, following grounds have been raised by the assessee:

"1. On the facts and in the circumstances of the case and in law the Commissioner of Income-tax (Appeals) erred in disallowing Annual Maintenance Charges, Housekeeping charges upto 1NR 7,05,504/- without appreciating the fact that these are fully business expedient.

2. On the facts and in the circumstances of the case and in law the Commissioner of Income-tax (Appeals) erred in disallowing Audit fees, Computerization charges and Insurance expenses

upto INR 57,637/- without appreciating the fact that these are fully business expedient.

3. On the facts and in the circumstances of the case and in law the Commissioner of Income-tax (Appeals) erred in disallowing Rate & Taxes upto INR 1,45,600/- without appreciating the fact that these are fully business expedient.

4. On the facts and in the circumstances of the case and in law the Commissioner of Income-tax (Appeals) erred in disallowing various other expenses (Medical Expenses, Postage & Telegram, Printing & Stationery, Salary & wages. Staff Welfare, Telephone expenses, Office Expenses, Misc. Expenses upto INR 6,64,033/-without appreciating the fact that these are fully business expedient.

5. On the facts and in the circumstances of the case and in law the Commissioner of Income-tax (Appeals) erred in disallowing vehicle and various other expenses (Car & Motorcycle expenses, Conveyance, Gardening expenses, Diwali expenses, Legal & Prof charges, travelling expenses upto INR 2,25,269/- without appreciating the fact that these are fully business expedient."

3. In ITA No. 2370/Del/2019, following grounds have been raised by the assessee:

"1. On the facts and in the circumstances of the case and in law the Commissioner of Income-tax (Appeals) erred in disallowing various expenses (Car & Motorcycle, Computerization, Conveyance, Medical Expenses, Postage & Courier, Printing & Stationery, Salary & wages, Staff Welfare, Telephone expenses) upto INR 9,42,661/- without appreciating the fact that these are fully business expedient."

4. In ITA No. 2371/Del/2019, following grounds have been raised by the assessee:

"1. On the facts and in the circumstances of the case and in law the Commissioner of Income-tax (Appeals) erred in disallowing various expenses (Car

& Motorcycle, Computerization, Conveyance, Medical Expenses, Postage & Courier, Printing & Stationery, Salary & wages, Staff Welfare, Telephone expenses) upto INR 10,39,833/- without appreciating the fact that these are fully business expedient."

5. Heard the arguments of both the parties and perused the material available on record.

6. The grounds pertains to disallowance on account of annual maintenance charges, housing keeping charges, computerization charges, printing & stationary, postage & telegram, motorcycle expenses, conveyance, gardening expenses, and Diwali expenses etc. We find that this issue is repetitive in nature over a period of four years. The Assessing Officer disallowed the amounts varying from 80% to 50% whereas the Id. CIT(A) restricted the same from 30% to 50% on different expenditures. The Tribunal having examined the entire affairs of the assessee for the A.Y. 2012-13 in ITA No. 2515/Del/2016 held that ends of natural justice would be met by restricting the disallowance to 10% of the expenditure. In the absence of any new material before us and change of business or the expenditure pattern, following the order of the Co-ordinate Bench of Tribunal, we hereby restrict the disallowance to 10% for the appeals before us.

7. In the result, the appeals of the assessee are allowed for statistical purpose.

Order Pronounced in the Open Court on 31/10/2022.

Sd/-

(Kul Bharat)
Judicial Member

Sd/-

(Dr. B. R. R. Kumar)
Accountant Member

Dated: 31/10/2022

Subodh Kumar, Sr. PS