

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

**BEFORE SH. N. K. BILLAIYA, ACCOUNTANT MEMBER
AND
SH. C.N. PRASAD, JUDICIAL MEMBER**

ITA No.268 to 270/Del/2022
Assessment Year: 2021-22

BT (India) Private Limited 11th Floor, Eros, Corporate Tower, Opp. International Trade, Nehru Place, South Delhi, Delhi-110019 PAN No.AABCC4785E	Vs	ACIT CPC TDS Ghaziabad
(APPELLANT)		(RESPONDENT)

Appellant by	Sh. Vishal Kalra, Advocate Ms. Snigdha, Advocate
Respondent by	Sh. B. S. Anand, Sr. DR

Date of hearing:	13/04/2023
Date of Pronouncement:	19/04/2023

ORDER

PER N. K. BILLAIYA, AM:

ITA No.268/Del/2022, 269/Del/2022 and 270/Del/2022 are three separate appeals by the assessee preferred against the three separate orders of NFAC, Delhi dated 09.12.2021 pertaining to A.Y.2021-22.

2. Since common issues are involved in the captioned appeals they were heard together and are disposed of by this common order for the sake of convenience and brevity.

3. The common grievance in the captioned appeals is in respect of levy of interest on the alleged delay in deposit of TDS.

4. Briefly stated the facts of the case are that as per the provisions of chapter XVII B of the Act. The assessee is required to deduct tax at source for payments of salaries as well as non salary payment to residents in respect of TDS during April to June, 2020. The assessee was required to deposit the TDS by 7th July 2020 as per the rule 30 of the IT Rules 1962.

5. The assessee instructed its bankers to debit its bank account and deposited TDS for various payments made in various dates in month of June, 2020. The amount of TDS amounting to Rs.19343666/- was debited to the bank account on 07.07.2020 itself. However, the date of stamp on the respective challans has been placed as of 08th July 2020.

6. Since the assessee had deposited the TDS after the due date interest was levied u/s. 201(1A) of the Act.

7. The levy of interest was challenged before the CIT(A) but without any success.

8. Before us the Counsel for the assessee drew our attention to the bank statement at page-3 of the paper book and pointed out that the bank has debited the amount on 07.07.2020 but the same was transferred on 08.07.2020 by the bank for no fault of the assessee. It is the say of the Counsel that the assessee had discharged its duty by depositing the tax on 07.07.2020, therefore, no interest should be levied as there is no default.

9. Per contra the DR simply supported the findings of the NFAC.

10. We have given a thoughtful consideration to the orders of the authorities below and have also the benefit of going through the bank account exhibited in the paper book.

11. In our considered opinion when the payments have been electronically made on 07.07.2020 which is the due dates and the money has flown from the bank account of the assessee it should not make any difference when the same has been shown to be credited to the Governments account. This is evident from the bank statement at page-3 of the paper book. We are of the view that the assessee has deposited tax on or before the due date, therefore, the AO is directed to delete the impugned addition.

12. In the result, the captioned appeals by the assessee are allowed.

Order pronounced in the open court on 19.04.2023.

Sd/-
[C.N. PRASAD]
JUDICIAL MEMBER

Dated: .04.2023

Neha

Copy forwarded to:

1. Appellant
2. Respondent
3. CITi
4. CIT(A)
5. DR

Sd/-
[N.K. BILLAIYA]
ACCOUNTANT MEMBER

Asst. Registrar
ITAT, New Delhi