

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

**BEFORE SH. SAKTIJIT DEY, VICE PRESIDENT
AND
SH. N. K. BILLAIYA, ACCOUNTANT MEMBER**

ITA No.2897/Del/2023
Assessment Year: 2008-09

DCIT Circle – 13 (1) Delhi	Vs.	Loop Telecom and Trading Limited 127, Manmala Tank Road, Taikalwadi Mahim West, Mumbai – 400016 PAN No.AAGCS0351R
(APPELLANT)		(RESPONDENT)

Appellant by	Sh. Subhra Jyoti Chakraborty, CIT DR
Respondent by	Sh. Ganesh Rajgopalan, CA

Date of hearing:	31/01/2024
Date of Pronouncement:	31/01/2024

ORDER

PER N. K. BILLAIYA, AM:

This appeal by the revenue is preferred against the order dated 24.08.2023 by NFAC, Delhi pertaining to A.Y. 2008-09.

2. The grievance of the revenue read as under :-

1. *That whether on the facts and circumstances of the case and in law, the Ld. CIT(A) erred in entertaining the additional ground raise by the assessee during the appellate proceedings in view of*

the decision of Hon'ble Apex Court in the case of M's Goetze (India) Ltd. Ve CIT (2006) 284 ITR 323 (SC).

2. That whether on the facts and circumstances of the case and in law, the Ld CIT(A) erred in deleting the addition of Rs. 134,22,08,000/- on account of share premium in excess of intrinsic value of the shares u/s 68 of the Act.

3. That the appellant craves leave to add, amend, vary, omit or substitute any of the aforesaid ground (s) of appeal either before or at the time of hearing of the appeal.

3. On perusal of the appeal folder we find that the jurisdiction lies with Mumbai Bench as the AO is at Mumbai. Since the appeal has been filed in the wrong jurisdiction the same is dismissed. However, the revenue is allowed the opportunity to file the appeal at the appropriate jurisdiction.

4. Decision announced in the open court on 31.01.2024.

Sd/-
(SAKTIJIT DEY)
VICE PRESIDENT

NEHA

Date:- .01.2024

Copy forwarded to:

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

Sd/-
(N.K. BILLAIYA)
ACCOUNTANT MEMBER

ASSISTANT REGISTRAR
NEW DELHI