

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

**BEFORE SHRI SHAMIM YAHYA, ACCOUNTANT MEMBER  
and  
MS. MADHUMITA ROY, JUDICIAL MEMBER**

**ITA No.3292/DEL/2023  
(Assessment Year: 2020-21)**

DCIT, Circle 4 (2),  
New Delhi.

vs.

Boeing India Defense Pvt. Ltd.,  
3<sup>rd</sup> Floor, DLF Centre,  
Sansad Marg,  
New Delhi – 110 001.

**(PAN : AAGCB0536K)**

(APPELLANT)

(RESPONDENT)

ASSESSEE BY : Shri Ravi Sharma, Advocate  
Ms. Shruti Khimta, CA  
REVENUE BY : Shri Kanv Bali, Sr. DR

Date of Hearing : 12.06.2024  
Date of Order : 14.06.2024

**ORDER**

**PER SHAMIM YAHYA, ACCOUNTANT MEMBER :**

This appeal by the Revenue is directed against the order of the Id. CIT (Appeals)/National Faceless Appeal Centre (NFAC) dated 18.11.2022 for the assessment year 2020-21.

2. The Revenue has taken the following ground of appeal :-

“Whether on the facts and circumstances of the case, the CIT (A) erred in allowing the credit of TDS without verifying the corresponding income during the year.”

3. Briefly stated the facts of the case are that the Assessing Officer did not grant TDS credit to the extent of Rs.2,10,61,401/-. The assessee has entered into a contract with Indian Air Force to operate and maintain Boeing Business Jet. The assessee received an amount of Rs.21,06,14,010/- pertaining to the year under consideration i.e. FY 2019-20. The TDS amounting to Rs.2,10,61,401/- deducted by the Indian Air Force was deposited in the next year and appearing in 26AS of succeeding year i.e. FY 2020-21. On these facts, the TDS credit was denied by the AO to the assessee.

4. Upon assessee's appeal, ld. CIT (A) allowed the same by referring to relevant Rule 32BA para 3 and held as under :-

“5.14 Relevant rule 37BA para 3 states as below :-

(Credit for tax deducted at source for the purpose of section 199 (of the IT Act)

37BA .....

.....

(3)(i) Credit for tax deducted at source and paid to the Central Government, shall be given for the assessment year for which such income is assessable.

.....

As the income has been offered and assessable in this year, the TDS credit shall also be given in this year. The assessing officer is directed to verify these facts and claim of the assessee and allow TDS credit as applicable.

5.15 The ground of appeal is allowed subject to verification by the assessing officer.

5.16 In result, the appeal is partly allowed.”

5. Against the above order, assessee is in appeal before us. We have heard both the parties and perused the records.

6. Ld. Counsel for the assessee relied upon the order of ld. CIT (A) and also referred to the decision of ITAT in the case of M/s. Greatship (India) Ltd. in ITA No.5562/Mum/2018 AY 2015-16 order dated 08.01.2020. He pleaded that the order of ld. CIT (A) is to be upheld.

7. Per contra, ld. DR for the Revenue could not controvert the submission of the ld. Counsel for the assessee.

8. Upon careful consideration, we note that this issue has been dealt with by the ITAT in the case of Greatship (India) Ltd. (supra) and on the same reasoning, issue has been decided in favour of the assessee. The coordinate Bench after referring to section 199 (3) of the Income-tax Act, 1961 and Rule 37BA has allowed the assessee's appeal. Accordingly, in the background of the aforesaid discussion and following the precedent from the coordinate Bench, we do not find any infirmity in the order of the ld. CIT (A), hence we uphold the same.

9. In the result, the appeal filed by the Revenue is dismissed.

**Order pronounced in the open court on this 14<sup>th</sup> day of June, 2024.**

**Sd/-  
(MADHUMITA ROY)  
JUDICIAL MEMBER**

**sd/-  
(SHAMIM YAHYA)  
ACCOUNTANT MEMBER**

**Dated the 14<sup>th</sup> day of June, 2024  
TS**

Copy forwarded to:

- 1.Appellant
- 2.Respondent
- 3.CIT
- 4.CIT (A)
- 5.CIT(ITAT), New Delhi.

**AR, ITAT  
NEW DELHI.**