

आयकर अपीलीय अधिकरण “ए” न्यायपीठ चेन्नई में।
IN THE INCOME TAX APPELLATE TRIBUNAL
“A” BENCH, CHENNAI

माननीय श्री महावीर सिंह, उपाध्यक्ष एवं
माननीय श्री मनोज कुमार अग्रवाल, लेखक सदस्य के समक्ष।
BEFORE HON'BLE SHRI MAHAVIR SINGH, VP AND
HON'BLE SHRI MANOJ KUMAR AGGARWAL, AM

आयकर अपील सं. ITA No.501/Chny/2024
(निर्धारण वर्ष / Assessment Year: 2017-18)

M/s. Super Sales India Limited 34-A, Kamaraj Road, Coimbatore-641 018.	बनस/ Vs.	ITO Corporate Ward-2 Coimbatore.
स्थायी लेखासं./जीआइआरसं./PAN/GIR No. AADCS-0650-A		
(अपीलार्थी/ Appellant)	:	(प्रत्यर्थी / Respondent)

अपीलार्थीकी ओरसे/ Appellant by	:	Shri R.Vijayaraghavan (Advocate)- Ld.AR
प्रत्यर्थीकी ओरसे/ Respondent by	:	Shri AR V Sreenivasan(Addl.CIT) -Ld. Sr. DR

सुनवाईकी तारीख/ Date of Hearing	:	25-06-2024
घोषणाकी तारीख / Date of Pronouncement	:	03-07-2024

आदेश / ORDER

Manoj Kumar Aggarwal (Accountant Member)

1. Aforesaid appeal by assessee for Assessment Year (AY) 2017-18 arises out of order passed by Learned Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi [CIT(A)] on 01-01-2024 in the matter of an assessment framed by Ld. Assessing Officer [AO] u/s 143(3) of the Act on 30-12-2019. The sole grievance of the assessee is confirmation of disallowance u/s 14A r.w.r 8D(2) for Rs.5.83 Lacs.

2. The assessee earned exempt dividend income of Rs.71.79 Lacs but did not offer any disallowance u/s 14A. The Ld. AO, applying Rule 8D, computed disallowance of Rs.5.83 Lacs. The same was computed as 1% of yearly average of monthly averages of total investments. The Ld. CIT(A) confirmed the same against which the assessee is in further appeal before us.

3. Upon perusal of Page No.7 of paper-book, it could be seen that the assessee has received dividend on 179480 numbers of shares of LMW. These shares were acquired on 26-02-2004. Another 25000 number of shares have been acquired at the fag-end of this financial year i.e., on 27-03-2017. The assessee has not earned any dividend on new investment. Therefore, we direct Ld. AO to compute the disallowance only on old investments and not on new investments made on 27-03-2017.

4. The appeal stand partly allowed.

Order pronounced on 3rd July, 2024

Sd/-
(MAHAVIR SINGH)
उपाध्यक्ष / **VICE PRESIDENT**

Sd/-
(MANOJ KUMAR AGGARWAL)
लेखा सदस्य / **ACCOUNTANT MEMBER**

चेन्नई Chennai; दिनांक Dated :03-07-2024
DS

आदेशकीप्रतिलिपिअग्रेषित/Copy of the Order forwarded to :

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकरआयुक्त/CIT Coimbatore.
4. विभागीयप्रतिनिधि/DR
5. गार्डफाईल/GF