



**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI "I" BENCH: NEW DELHI**

**BEFORE SHRI PRADIP KUMAR KEDIA, ACCOUNTANT MEMBER &
SHRI ANUBHAV SHARMA, JUDICIAL MEMBER**

**ITA No.1263/Del/2022
[Assessment Year : 2016-17]**

DCIT, Circle-4(2), New Delhi.	vs	Coforge Ltd., [Formerly NIIT Technologies Ltd.], 8, Balaji Estate, 1 st Floor, Guru Ravi Das Marg, Kalkaji, New Delhi-110019. PAN-AAACN0332P
APPELLANT		RESPONDENT
Appellant by		Shri Dharamvir Singh, CIT DR
Respondent by		Ms. Somya Jain, Adv.
Date of Hearing		20.11.2024
Date of Pronouncement		20.11.2024

ORDER

PER PRADIP KUMAR KEDIA, AM :

The captioned appeal has been filed at the instance of the Revenue against the order of the Ld. CIT(A)-44 ["Ld. CIT(A)"], dated 07.03.2022 concerning assessment year 2016-17.

2. The grounds of appeal raised by the Revenue read as under:-

1. *"On the facts & under the circumstances of the case, the Ld. CIT(A) has erred in deleting the adjustment of Rs. 1,18,14,779/- on account of interest charged on outstanding receivable from the AEs to the income of the assessee even when the provisions of section 92B have been amended by The Finance Act, 2012 with retrospective amendment from 01.04.2002.*
2. *On the facts & under the circumstances of the case, the Ld. CIT(A) has erred in holding that interest on receivables from AEs can not be charged if the margin of the assessee is better than that of comparables after allowing working capital adjustment ignoring the fact that the receivables were outstanding beyond agreed term.*



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3. *On the facts & under the circumstances the case, the Ld. CIT(A) has erred in allowing the appeal of the assessee on disallowance u/s 14A ignoring the fact that the assessee failed to prove that investment resulting in exempt income were made out of own funds and not from interest bearing borrowed funds.”*

3. At the time of hearing, it was submitted by the Ld.AR for the assessee that the appeal filed by the Revenue is hit by recently issued **CBDT Circular No.09 of 2024** dated **17.09.2024** revising the previous thresholds pertaining to tax effects. As per aforesaid Circular, all pending appeals filed by Revenue are liable to be dismissed as a measure for reducing litigation where the tax effect does not exceed the prescribed monetary limit which is now revised at Rs.60 Lakhs. In the instant case, the tax effect on the disputed issues raised by the Revenue is stated to be not exceeding Rs.60 lakhs and therefore, appeal of the Revenue is required to be dismissed *in limine*.

4. The Ld.CIT.DR for the Revenue fairly admitted the applicability of the CBDT Circular No.09 of 2024 dated 17.09.2024. Accordingly, appeal of the Revenue is dismissed as not maintainable. However, it will be open to the Revenue to seek restoration of its appeal on showing inapplicability of the aforesaid CBDT Circular in any manner.

5. In the result, the appeal of the Revenue is dismissed.

Order pronounced in the open Court on 20th November, 2024.

Sd/-

(ANUBHAV SHARMA)
JUDICIAL MEMBER

Sd/-

(PRADIP KUMAR KEDIA)
ACCOUNTANT MEMBER

* Amit Kumar *



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Copy forwarded to:

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

ASSISTANT REGISTRAR
ITAT, NEW DELHI



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