IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH 'G': NEW DELHI
BEFORE
BEFORE SHRI SHAMIM YAHYA, ACCOUNTANT MEMBER
AND
SHRI YOGESH KUMAR U.S., JUDICIAL MEMBER

ITA No. 5913/Del/2019, (A.Y.2015-16)

DCIT **Circle 27(1)** **New Delhi**	**Vs.**	**United Drilling Tools Ltd.** **139A, First Floor, Antriksh Bhawan, 22, Kasturba Gandhi Marg, New Delhi** **PAN No:AAACU0098F**
(Appellant)		**(Respondent)**

Appellant by	**Sh. Salil Agarwal, Sr. Adv & Sh. Shailesh Gupta, Adv**
Respondent by	**Sh. Piyush Tripathi, Sr. Dr**

Date of Hearing	**07/11/2024**
Date of Pronouncement	**06/12/2024**

ORDER

PER YOGESH KUMAR U.S., JM :

This appeal is filed by the Department of Revenue against the order of Learned Commissioner of Income Tax (Appeals) ["Ld. CIT(A)", for short]-9 New Delhi dated 22/04/2019 for the Assessment Year 2015-16.

2. The grounds of Appeal are as under: -

"Whether on facts and in the circumstances of the case the Ld. CIT(A) has erred in law in deleting the disallowance of late deposit of ESI/PF of Rs. 17,93,995/- made by the AO u/s 36(1)(va) of the I.T Act 1961, by relying upon the judgment of jurisdictional High Court in the case of CIT vs. AMIL Limited [2010] 321 ITR 508 [DEL] without appreciating the judgement given by the Hon'ble High Courts in the case of CITVs. Gujarat State Road Transport Corporation [2014] 366 ITR 170 [GUJ] and CIT, Cochin Vs Merchem Ltd. [2015] 280 CTR 381 [Kerala] and CBDT's Circular No. 22/2015 dated 17.12.2015."

2. Whether on facts and in the circumstances of the case the Ld. CIT(A) has erred in law in deleting the disallowance of Rs. 19,08,698/- made on account of sundry creditors."

3. Whether on facts and in the circumstances of the case the Ld. CIT(A) has erred in law in deleting the disallowance of depreciation of Rs. 5,48,77,532/- claimed @ 25% on opening WDV of intellectual property rights."

3. Brief facts of the case are that, the Assessee filed its return by declaring the total income of Rs. 22,96,57,162/- which was processed u/s 143(1) of the Income Tax Act, 1961 ('Act' for short). The case of the Assessee was selected for scrutiny and a notice u/s 143(2) of the Act issued on the Assessee. The assessment order came to be passed on 27/12/2017 by making following disallowance/additions:-

- *"Disallowance of late deposit of ESI/PF Rs. 17,93,995/-*
- *Addition of interest alleged to be of penal nature Rs. 26,093/-*
- *Addition of sundry creditors outstanding Rs. 19,08,698/-*
- *Disallowance of amount claimed to be incurred for charity and donation Rs. 2,39,501/-*
- *Disallowance of deprecation claimed on intangible Asset Rs. 5,48,77,532/-*

4. Aggrieved by the assessment order dated 27/12/2017, the Assessee preferred an appeal before the Ld. CIT(A). The Ld. CIT(A) vide order dated 22/04/2019, allowed the appeal of the Assessee by deleting the addition. As against the order of the Ld. CIT(A) dated 22/04/2019, the Department of Revenue preferred the present appeal on the grounds mentioned above.

5. In the Ground No. 1 the Department of Revenue contended that the Ld. CIT(A) has erred in deleting the disallowance of late payment of ESI/PF of Rs. 17,93,995/- made by the A.O. u/s 36(1)(va) of the Act. The Ld. Senior Counsel appearing for the Assessee fairly conceded that as per the Judgment of Hon'ble Supreme Court in the case of Checkmate Services Pvt. Ltd. vs. CIT-1 in Civil Appeal No. 2833 of 2016 dated 12/10/2022,the Ground No. 1of the Revenue deserves to be decided against the Assessee by allowing the said Ground.

6. The Ld. Departmental Representative has also argued that the Ground No. 1 may be allowed by following the ratio laid down by the Hon'ble Supreme Court in the case of Checkmate Services (supra).

7. Considering the submissions made by the parties and also following the ratio laid down by the Hon'ble Supreme Court in the case of Checkmate Services (supra), we allow the Ground No. 1 of the Revenue and uphold the addition of Rs. 17,93,993/- made by the A.O. u/s 36(1)(va) of the Act, accordingly, Ground No. 1 of the Revenue is allowed.

8. In Ground No. 2, the Department of Revenue contended that the Ld. CIT(A) erred in law in deleting the disallowance of Rs. 19,08,698/- made on account of Sundry Creditors. The Ld. Departmental Representative relying on the findings in the assessment order, sought for allowing the Ground No. 2 of the Revenue.

9. Per contra, the Ld. Senior Counsel appearing for the Assessee submitted that in both the ledger accounts i.e. Jabertech Company LLC & Pioneer Mechanical Equipment Trading the accounts standing in the name of both the parties are reflected as written off as on 31/03/2017, the Assessee offered the said amount for taxation in subsequent year, therefore, if the addition is reversed the same will amounts to double taxation, thus, sought for dismissal of Ground No. 2 of the Assessee.

10. We have heard both the parties and perused the material available on record. The Ld. CIT(A) while deleting the above addition held as under:-

> *"I have perused the facts of the case and submission of the AR of the appellant. In this respect, it is noted that the basis adopted for making the impugned addition is that sundry creditors were outstanding for more than three years and since the assessee had not been able to provide either confirmation from the sundry creditors or latest financial statement of the said creditors, it was therefore, held that such sum is taxable under section 41(1) of the Act. It is noted that the above issue had come up for consideration before the Jurisdictional High Court in the case of CIT vs. Vardhman Overseas Ltd. 343 ITR 408. In the aforesaid case, the factswere that the assessee was engaged in the manufacture of rice from paddy and also selling rice after purchasing the same from the local market. The Assessing Officer noted that the sundry creditfor outstanding on account of purchase of paddy was paddy of Rs 1.31.17.230/. The assessee did not submit the confirmatory letters and wrote to the Assessing Officer that it was not aware of the present whereabouts of the creditors after a lapse of four years and whatever addresses were available with the assessee had been given by the suppliers at the time when it purchased paddy from them. In the above background, the Assessing Officer was of the view that the assessee was not interested in proving the genuineness of the creditors by filing confirmation letters or by giving the necessary information. He therefore added that sum of Rs. 1,25,46,534/- which represented the credit balances in the accounts of 9 parties as income of the appellant under section 68 of the Act. On appeal, the CIT(A) sustained the addition under section*

41(1) of the Act on the ground that in his opinion, the liability of the assessee towards the creditors had ceased to exist. The Hon'ble Tribunal deleted the addition and held that once liability was declared in the books of account, then it cannot be held that there was cessation of liability towards sundry creditors in light of the judgment of Hon'ble Apex Court in the case of CIT vs. Sugauli Sugar Works (P.) Ltd. 236 ITR 518. On further appeal, the Hon'ble High Court dismissed the appeal of the revenue and held in para 16 and 17 as under:

"16. In our opinion, the judgment of the Supreme Court in Sugauli Sugar Works (P.) Ltd. (supra) is a complete answer to the contention of the learned standing counsel. In the case before the Supreme Court for a period of almost 20 years the liability remained unpaid and this fact formed the basis of the contention of the revenue before the Supreme Court to the effect that having regard to the long lapse of time and in the absence of any steps taken by the creditors to recover the amount, it must be held that there was a cessation of the debts bringing the case within the scope of Section 41(1). In the case before us, the identical contention has been taken on behalf of the revenue, though the period for which the amount remained unpaid to the creditors is much less. It was held by the Supreme Court that a unilateral action cannot bring about a cessation or remission of the liability because a remission can be granted only by the creditor and a cessation of the liability can only occur either by reason of operation of law or the debtor unequivocally declaring his intention not to honour his liability when payment is demanded by the creditor, or by a contract between the parties, or by discharge of the debt.

17. In the case before us, as rightly pointed out by the Tribunal, the assessee has not transferred the said amount from the creditors' account to its profit and loss account. Theliability was shown in the balance sheet as on 31st March, 2002. The assessee being a limited company, this amounted to acknowledging the debts in favour of the creditors. Section 18 of the Limitation Act, 1963 provides for effect of acknowledgement in writing. It says where before the expiration of the prescribed period for a suit in respect of any property or right, an acknowledgement of liability in respect of such property or right has been made in writing signed by the party against whom such property or right is claimed, a fresh period of limitation shall commence from the time when the acknowledgement was so signed. In an early case, in England,

in Jones v. Bellgrove Properties [1949] 2KB 700, it was held that a statement in a balance sheet of a company presented to a creditor- share holder of the company and duly signed by the directors constitutes an acknowledgement of the debt. In Mahabir Cold Storage v. CIT [1991] 188 ITR 91/56 Taxman 4ZF, the Supreme Court held:

> *"The entries in the books of accounts of the appellant would amount to an acknowledgement of the liability to Messrs. Prayagchand Hanumanmal within the meaning of Section 18 of the Limitation Act, 1963, and extend the period of limitation for the discharge of the liability as debt."*

In several judgments of this Court, this legal position has been accepted. In Daya Chand Uttam Prakash Jain v. Santosh Devi Sharma [1997] 67 DLT 13, S.N. Kapoor J. applied the principle in a case where the primary question was whether a suit under Order 37 CPC could be filed on the basis of an acknowledgement. In Larsen & Tubro Ltd. v. Commercial Electric Works [1997] 67 DLT 387 a Single Judge of this Court observed that it is well settled that a balance sheet of a company, where the defendants had shown a particular amount as due to the plaintiff, would constitute an acknowledgement within the meaning of Section 18 of the Limitation Act. In Rishi Pal Gupta v. S.J. Knitting & Finishing Mills (P.) Ltd. [1998] 73 DLT 593, the same view was taken. The last two decisions were cited by Geeta Mittal, J. in S.C. Gupta v. Allied Beverages Co. (P.) Ltd. (I.A. No. 7987/2004, decided on 30/4/2007) and it was held that the acknowledgement made by a company in its balance sheet has the effect of extending the period of limitation for the purposes of Section 18 of the Limitation Act In Ambica Mills Ltd. v. CIT [1964] 54 ITR 167 (Guj.), it was further held that a debt shown in a balance sheet of a company amounts to an acknowledgement for the purpose of Section 19 of the Limitation Act and in order to be so, the balance sheet in which such acknowledgement is made need not be addressed to the creditors. In light of these authorities, it must be held that in the present case, the disclosure by the assessee company in its balance sheet as on 31st March, 2002 of the accounts of the sundry creditors amounts to an acknowledgement of the debts in their favour for the purposes of Section 18 of the Limitation Act. The assessee's liability to the creditors. thus, subsisted

and did not cease nor was it remitted by the creditors. The liability was enforceable in a court of law."

5.3 Having regard to the aforesaid binding precedent, I am of the view that the basis adopted for making the impugned addition is erroneous and therefore, addition so made is held to be untenable and thus deleted. Therefore, this ground of appeal is decided in the favour of the appellant. Appellant succeeds in this ground of appeal."

11. The Assessee has written off the credit balance of both the parties under consideration during Assessment Year 2017-18 which is supported by the financials produced by the Assessee at page No. 139A and 139B. Both the ledge accounts the amount standing in the name of both the parties reflecting as written off as on 31/03/2017. Thus, we find no error or infirmity in the order of the Ld. CIT(A) and finding no merit in Ground No. 2 of the Revenue, we dismiss Ground No. 2 of the Revenue.

12. In Ground No. 3 the Department contended that the Ld. CIT(A) has erred in deleting the disallowance of depreciation of Rs. 5,58,77,532/- claimed @25% on opening WDV of intellectual property rights.

13. The Ld. Departmental Representative relying on the findings and conclusion of the assessment order, submitted that the Ld. CIT(A) committed error in deleting the addition.

14. Per contra, the Ld. Senior counsel appearing for the Assessee submitted that the scheme of Amalgamation has been approved by the Hon'ble High Court and once the scheme of amalgamation has been approved, no authority should be allowed to tinker with the scheme. Further submitted that, even the value of the assets have been approved, by the Hon'ble High Court as a part of scheme of Amalgamation which cannot be doubted or rejected by the Revenue Authorities. The Ld. Senior Counsel further contended that the value of patent technology acquired under the scheme of Amalgamation was duly accounted in the financial statement of Financial Year 2013-14 i.e. Assessment Year 2014-15 showing additions due to amalgamation to tangible assets of Rs. 21,95,10,125/- was duly accepted in the assessment proceedings for Assessment Year 2014-15 and there is no adverse observation in this regard in the assessment order passed u/s 143(3) of the Act dated 25/10/2016, therefore, submitted that the Ground No. 3 of the Revenue is devoid of merit.

15. We have heard both the parties and perused the material available on record. The Ld. CIT(A) while deleting the addition held as under:-

> *"6.3. I have considered the facts of the case and submission of the AR of the appellant. The appellant was incorporated on 24.5.1983 as a private limited company under the Companies Act, 1956. The Hon'ble High Court of Delhi vide an order dated 1.5.2014 revised on 25.11.2014 approved the scheme of amalgamation w.e.f. 1.10.2013 of M/s. Macro Steel Engineeers Pvt. Ltd. with the appellant company. In other words, w.e.f. 1.1.2013, M/s. Macro Steel Engineers Pvt. Ltd. stood merged with the appellant company. Thus, aforesaid merger effectively took place in financial year 2013-14 relevant to assessment year 2014-15. According to the aforesaid scheme of amalgamation of the assets and liabilities of M/s. Macro Steel Engineers Pvt. Ltd. stood merged with the appellant company.*

Further, the assets included value of patented technology developed by M/s. Macro Steel Engineers Pvt. Ltd. The valuation of the saidtechnical as accepted in the aforesaid order of Hon'ble High Court was Rs. 21,95,10,125/- The appellant accordingly, declared the same as value of its assets in the financial year 2013- 14 relevant to assessment year 2014-15 which assessment stood accepted under section 143(3) of the Act. In the instant year, the aforesaid value of intangible assets has been declared as opening value of assets and depreciation accordingly claimed in the instant year. The Assessing Officer has denied the aforesaid deduction primarily on the reason that there is no documentary evidence of incurring of expenditure by the amalgamating company and valuation report of the valuer could not be a basis to allow such expenditure. Furthermore, it has been held that appellant had failed to prove the utility of patented technology for the business of appellant company.

6.4 Having considered the aforesaid basis, it is noted that justifiable basis to examine the claim of depreciation in the instant assessment year. The Hon'ble Apex Court in the case of CIT vs. Smifs Securities Ltd. 348 ITR 302 examined the issue of eligibility of deduction of goodwill on amalgamation of a company with another company. In holding that goodwill is a legitimate claim of deduction, the Hon'ble Court held that the excess consideration paid by it over value of net assets acquired of the amalgamating company should be considered as goodwill which is an asset under explanation 3(b) of section 32(1) of the Act. In the aforesaid case, one of the issue was raised was that Assessing Officer had held that no amount was actually paid on account of goodwill. However, the Commissioner (Appeals) has come to the conclusion from the orders of High Court ordering amalgamation that assets and liabilities of the amalgamated company were transferred to the assessee for consideration and the difference between the cost of asset and amount paid constituted goodwill and that the assessee-company in the process of amalgamation had acquired a capital right in the form of goodwill. This finding was upheld by the Income Tax Tribunal and also by the Hon'ble High Court and therefore, it was held that excess consideration paid by the assessee over the book value of assets is an eligible deduction.

In another matter, in the case of ITO vs. Purbanchal Power Co. Ltd. in ITA No. 201/Kol/2010, the issue was in respect of addition of Rs. 69.64 crores under section 68 of the Act on account of amalgamation

of 4 amalgamating companies with the assessee company. In the said order, the Hon'ble Court considered the significance of order of Hon'ble High Court approving the amalgamation between the amalgamating company and amalgamated company. It was held that the court will sanction a scheme only where all the stakeholders have been heard and it is open for the revenue i.e. Income Tax Department as one of the class of thecreditors to put forward any section may here against the amalgamation, the court will workable of where is it is own that there is something wrong with the scheme. In arriving at the above conclusion the Hobn'ble Court relied on the judgment of Gujarat High Court in the case of Wood Polymer Ltd. reported in 109 ITR 177 in re and Bengal Hotels Pvt. Ltd . in re and noted as under :

> *The scheme of amalgamation must have some purpose or object to achieve. It was repeatedly inquired what purpose or object was to be achieved by a scheme of amalgamation offered for court's sanction. It was said that the property belonging to the transferor-company will be available to the transfereecompany. Now, the property belonging to the transferor company is situate in Calcutta. The transferor-company is having its factory at Billimora. The transferor-company appears to have not done any business except acquiring capital asset from its parent company of which it was a subsidiary company and got it revalued so that by the process of revaluation, the equity shareholders of the transferor-company can get large number of shares of the transferee-company by the exchange ratio prescribed in the scheme of amalgamation. No apparent understandable purpose or object behind the scheme is discernible. Thepurpose and the only purpose appears to be to acquire capital asset of the DOC Pvt. Ltd. through the intermediary of the transferor-company which was created for that very purpose to meet the requirement of law, and in the process to defeat tax liability that would otherwise arise. If such be the scheme of amalgamation and if such is the use made of the transferor-company by those controlling it, it can never be said that the affairs of the transferor company sought to be amalgamated, created for the sole purpose of facilitating transfer of capital asset, through its medium, have not been carried on in a manner prejudicial to public interest. Public interest looms large in this background, and the machinery of judicial process is sought to be utilised for defeating public interest and the court would not lend its assistance to defeat public interest, namely, tax provision. It must be confessed that*

it is open to a party to so arrange its affairs so as to reduce its tax liability. The assessee or party can arrange its affairs so that he or it may not incur any tax liability. But it must be within the power of the party to arrange its affairs. If the party seeks assistance of the court only to reduce tax liability. the court should be the last instrument to grant such assistance or judicial process todefeat a tax liability, or even to avoid tax liability. If the party has so arranged its affairs, as to reduce or even avoid tax liability and the taxing authority disputes it, and the matter is brought before the court, the court would adjudicate upon the dispute between the revenue and the assessee on the rival contentions. That is not the situation here. In such a situation, the court would not be concerned as to the modality of avoidance of tax but here the tax cannot be avoided unless the court lends its assistance, namely, by sanctioning the scheme of amalgamation. In other words, the judicial process is used or polluted to defeat the tax by forming an appropriate device or subterfuge. Such a situation can never be said to be in public interest. It is clearly opposed to public interest and on this ground the court would not sanction the scheme of amalgamation.

6.5. The Hon'ble Court further relied upon the judgment of Hon'ble Gujarat High Court in the case of Vodafone Essar Gujarat Ltd. vs. Department of Income Tax 353 ITR 222 and held that In the said case, transaction was held to be void in view of provisions of section 281 of the Act and sanction scheme was not approved. It was thus concluded that once a scheme of amalgamation is approved by the High Court, no authority should he allowed to tinker with the scheme. It was held that in the said case, neither the official liquidator nor the Regional Director nor Central Government raised any objection to the scheme of amalgamation and therefore, it is now not open to the revenue to go into the amalgamation reserve as per amalgamation scheme approved by Hon'ble Calcutta High Court. Thus, the ratio that emerges from the aforesaid decision is that scheme of amalgamation approved by the Hon'ble High Court is sacrosanct and cannot be examined in another proceedings and has to be accepted as such. Thus, the objection as raised by the learned Assessing Officer to reject the claim of depreciation that either no expenditure was incurred by the amalgamating company on the development of patented technology and such value has been based on valuer report is of no consequence. Once value of assets has been approved by the Hon'ble High Court as part of scheme of amalgamation then it is not within the domain of any of the authorities to doubt or reject or not to comply with such scheme.

On the contrary, as a matter of record that such scheme was approved and asset was treated as part of block of assessment in the preceding assessment year and therefore, having done so, there is otherwise no valid justification not to allow depreciation on the said issue in the instant assessment year.

Another objection raised by the AO is the utility of technology to the business of appellant company. In this regard, appellant had furnished a reply dated 23.12.2017 in the course of assessment proceedings wherein it was stated as under:

> *"Note on the patent Technology: M/s Macro Steel Engineers Private Limited developed cot efficient technology for drilling of oil over several years and got it patented as offshore winch, onshore Winch and Truck Mounted Winch form Controller General of Patents, Designs and Trademarks, Government of Inida vide patent registration no.21550, 21549 and 177295. The reason of purchasing these technologies from the seller company was that it is recognized by ONGC and other Oil companies. This technology has provided a monopoly position to the assessee. By acquiring this technology the assessee got huge orders in India as well as abroad. This fact is evident from the jump in turnover in the subsequent years.*

6.6 That assessee further vide letter dated 29.11.2017 (page 117 of Paper book has submitted as under:

> *"8. The Turnover of the company has increased substantially from 66.20 cr to Rs. 111.57 Cr. This is due to high tech machinery and technology installed at Noida SEZ. Due to high technique machinery and technology the profits are in Noida SEZ. The profits shown are the actual one where it relates."*

Further, the utility and application of the patented intangible technology is found to have added in the revenue and net profit over the period of time as under:

Sr. No.	*A.Y*	*Revenue from operations*	*Revenue from sale of products*	*Net Profit before Taxes*
i)	*2014-15*	*66,20,60,247*	*1,11,49,593*	*2,41,58,527*
ii)	*2015-16*	*1,11,57,52,076*	*33,15,449*	*27,00,15,001*

6.8 In view of the above, I am of considered view that impugned disallowance made in the instant year is not justified and therefore, the AO is directed to delete the same. This ground of appeal is decided in the favour of the appellant. Appellant succeeds in this ground of appeal."

16. The Assessee Company has been incorporated on 24/05/1983 as a Private Limited Company under Companies Act, 1956. The Hon'ble High Court of Delhi vide its order dated 01/05/2014 and dated 25/11/2014, approved the scheme of amalgamation w.e.f 01/10/2013 of M/s Macro steel Engineers Pvt. Ltd. with the Assessee Company, thus, as on 01/01/2013 the said Macro Steel Engineers Pvt. Ltd. stood merged with the Assessee Company. Therefore, for all practical purpose, the merger effectively took place in Financial Year 2013-14 relevant to Assessment Year 2014-15 as effect of said amalgamation the assets and liabilities of M/s Macro Steel Engineers Pvt. Ltd. merged with Assessee Company. Further the assets included value of Patented Technology developed by M/s Micro Engineers Pvt. Ltd. The valuation of the said patent technology has been accepted by the Hon'ble High Court as Rs. 21,95,10,125/- and the Assessee has declared the same as value of its asset for Financial Year 2013-14 relates to Assessment Year 2013-14 which stood accepted u/s 143(3) of the Act and no adverse observation has been drawn in the assessment proceedings.

17. The Co-ordinate Bench of the Tribunal while deciding the similar issue in ITA No. 8270/Del/2018 (A.Y 2014-15) in the name of ACIT Vs. M/s Rohit Bal Designs Pvt. Ltd. vide order dated 12/08/2022, dismissed the Appeal of the Revenue in following manners: -

> *"10. It is clear from the above that, the Ld. A.O has committed an error by passing assessment order based on standalone basis despite fact that he had full knowledge of amalgamation while making the addition. The Ld. A.O should have considered the effect of amalgamation more so in view of the specific mandate of the Hon'ble High Court. The Ld. A.O has ignored the above facts. Further, as per the decision of Hon'ble Madras High Court in the case of Pentamedia Graphics Ltd. vs. ITO: 236 CTR 204, which is also followed by the Delhi Bench of the Tribunal in the case of Bharti Airtel Limited vs. ACIT: ITA No. 3907/Del/2010, the only course open to the Revenue would be to act as per the scheme sanctioned effective from 01/04/2013 which means that the tax authorities are bound to take note of the state of affairs of the Assessee as on 01/04/2013 and a return filed reflecting the same cannot be ignored on the strength of section 139(9) of the Act. The merits otherwise on the return field have never been challenged by the A.O. Therefore, in our opinion the assessed income as per the return field by the appellant u/s 139(9) of the Act on the basis of consolidated Balance sheet should have been accepted by the A.O. The Ld. CIT (A) has rightly allowed the Appeal filed by the Assessee by setting aside the Assessment Order. Therefore, in our opinion, the order of the Ld. CIT(A) requires no interference. Accordingly, we dismiss the grounds of Appeal filed by the Revenue."*

18. It is also undisputed fact that the value of patent technology at Rs. 21,95,10,125/- has not only been accepted by the Hon'ble High Court of Delhi but also accepted by the A.O. in scrutiny proceedings for Assessment Year 2014-15 vide order 25/10/2016. Thus, in our considered opinion, the Ld. CIT(A), committed no error in deleting the addition and finding no infirmity in the order of the Ld. CIT(A), we dismiss the Ground No. 3 of the Revenue.

19. In the result, the Appeal filed by the Revenue is dismissed.

Order pronounced in open Court on 06th December, 2024

Sd/-	Sd/-
(SHAMIM YAHYA)	**(YOGESH KUMAR U.S.)**
ACCOUNTANT MEMBER	**JUDICIAL MEMBER**
Dated: 06/12/2024	

R.N, Sr. PS

Copy forwarded to:

Appellant
Respondent
CIT
CIT(Appeals)
DR: ITAT

ASSISTANT REGISTRAR
ITAT, NEW DELHI