

**IN THE INCOME TAX APPELLATE TRIBUNAL,  
DELHI (SMC) BENCH, NEW DELHI**

**BEFORESHRI SATBEER SINGH GODARA, JUDICIAL MEMBER**

ITA No.2924/Del/2024  
Assessment Year: 2019-20

Samsung C & T Corporation India Pvt. Ltd., 19 <sup>th</sup> Floor, Epitome, Building No. 5, Tower A, DLF Cyber City, Gurgaon.	<b>Vs.</b>	DCIT, Circle 22(2), Delhi.
<b>PAN : AARCS9192B</b>		
<b>(Appellant)</b>		<b>(Respondent)</b>

Assessee by	Sh. Ashok Kumar Jain, C.A.
Department by	Sh. Siddharth B.S. Meena, Sr. DR

Date of hearing	18.12.2024
Date of pronouncement	18.12.2024

**ORDER**

This assessee's appeal for assessment year 2019-20, arises against the Addl./JCIT(A)-3, Chennai's DIN and order no. ITBA/APL/S/250/2023-24/1058644491(1) dated 07.05.2024 involving proceedings under section 143(1) of the Income-tax Act, 1961 (hereinafter referred to as 'the Act').

2. The assessee raises following the substantive ground in the instant appeal :

1. That the order of Ld. CIT (A) is against the law, facts, principles of natural justice and all other principles and rules of law and therefore liable to be set aside.

2. That Ld CIT(A) is not justified in confirming the order of Ld DCIT, CPC Bangalore by making adjustment U/s 143(1) of Rs. 7,91,398 out of Rs.9,71,926/- on account of Club Membership/Entrance Fee paid for services availed for business purpose only which is not fall under any of the clause of Sec 143(1) and hence contrary to provisions of law. As such adjustment made U/s 143(1) needs to be undone and the adjustment to the extent of Rs. 7,91,398/-confirmed by Ld CIT(A) needs to be deleted.

3. That Ld CIT(A) is not justified in confirming the adjustment made by Ld. CPC, Bangalore U/s 143(1) by disallowing and taxing to the tune of Rs. 7,91,398 on account of Club Membership/Entrance Fee paid for services availed for business purpose only though admitted the same as a debatable issue and allowed part amount of same which is based on surmises and conjectures and contrary to provisions of law. As such, the adjustment so made needs to be deleted.

4. That Ld. CPC, Bangalore is not justified in charging interest U/s 234B and 234C of the Inco me Tax Act which is contrary to facts borne on record and provisions of law. As such interest levied by Ld. CPC, Bangalore U/s 234B and 234C needs to be deleted.

3. The assessee's sole substantive argument during the course of hearing alleges violation of section 143(1)(a)(iv) that both the lower authorities herein have erred in law and facts in disallowing its club membership/entrance Fee of Rs.7,91,398/- despite the fact that there was no such disallowance indicated in the tax audit report as evident from the corresponding certification at page No. 7 in the paper book. The assessee appears to have succeeded on the very issue in immediately preceding assessment

year 2018-19, which goes un-rebutted from Revenue side. Faced with this situation, I delete the impugned disallowance in very terms.

4. No other ground or argument has been pressed in the instant case.

5. This assessee's appeal is allowed.

***Order pronounced in the open court on 18<sup>th</sup> December, 2024.***

**Sd/-  
(SATBEER SINGH GODARA)  
JUDICIAL MEMBER**

Dated: 18 December, 2024.

\*aks/-

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(A)
5. DR

Asst. Registrar, ITAT, New Delhi