

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

Before Sh. Satbeer Singh Godara, Judicial Member

ITA No. 7323/Del/2025 : Asstt. Year: 2020-21

Sonam Jain, Sinha & Sinha Law Chambers LLP, 108-109, Parmesh Business Centre-1, Plot No. 20, Community Centre, Karkardooma, Delhi-110092	Vs	Income Tax Officer, Ward-58(1), New Delhi-110002
(APPELLANT)		(RESPONDENT)
PAN No. AOKPJ1373B		

**Assessee by: Sh. Prince Mohan Sinha, Adv. &
Sh. Aniket Krishnatray, Adv.
Revenue by : Sh. Amit Shukla, Sr. DR**

Date of Hearing: 23.12.2025	Date of Pronouncement: 23.12.2025
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ORDER

This assessee's appeal for Assessment Year 2020-21 arises against the CIT(A)/NFAC, Delhi's DIN & order No. ITBA/NFAC/S/250/2025-26/1081007249(1) dated 22.09.2025, in proceedings u/s 143(3) of the Income Tax Act, 1961 (in short "the Act").

2. Heard both the parties at length. Case file perused.
3. It emerges at the outset during the course of hearing that the assessee/appellant challenges the learned CIT(A)/NFAC's action partly restricting assessment findings invoking section 40(a)(ia) disallowance of Rs.34,36,654/- @30% thereof; coming to Rs.10,30,996/-, in the lower appellate discussion.

4. That being the case, Mr. Shukla vehemently argues that the impugned disallowance has been rightly invoked in the assessee's hands since she had failed to deduct TDS on commission paid to various e-marketing companies namely, Amazon, Flipkart and other similar portals. He could hardly dispute that the clinching fact emerging from the assessment order itself at page 4 that the actual commission fee involved herein is Rs.7,90,536/- which does not include collection fee, fixed fee, listing fee and shipping fee involving varying sums. This tribunal is accordingly of the considered view that the impugned disallowance u/s 40(a)(ia) of the Act could not have been invoked for any other expenditure than the commission fee which involves Rs.7,90,536/- incurred by the assessee. The learned Assessing Officer is accordingly directed to re-compute the impugned section 40(a)(ia) disallowance in the assessee's hands going by the above commission fee expenditure only as per law. Ordered accordingly.

5. This assessee's appeal is partly allowed.

Order Pronounced in the Open Court on 23/12/2025.

Sd/-

(Satbeer Singh Godara)
Judicial Member

Dated: 23/12/2025

Subodh Kumar, Sr. PS

Copy forwarded to:

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

ASSISTANT REGISTRAR