

**IN THE INCOME TAX APPELLATE TRIBUNAL, RANCHI BENCH, RANCHI**

BEFORE SHRI GEORGE MATHAN, JUDICIAL MEMBER AND  
SHRI RATNESH NANDAN SAHAY, ACCOUNTANT MEMBER

ITA No. 289/Ran/2024  
(Assessment Year-2018-19)

A.C.I.T., Dhanbad.	Vs.	Bharat Coking Coal Limited, General Manager, BCCL, Koyla Bhawan, BCCL Township, Dhanbad-826005 <b>PAN No. AAACB 7934 M</b>
Appellant/ Revenue		Respondent/ Assessee

Assessee represented by	Shri M.K. Choudhary, Adv. & Shri Devesh Poddar, A.R.
Department represented by	Shri Rajib Jain, CIT-DR
Date of hearing	05/01/2026
Date of pronouncement	05 /01/2026

**ORDER**

**PER: BENCH**

1. This is an appeal filed by the revenue against the order of the Id. CIT(A), NFAC, Delhi in Appeal No. NFAC/2017-18/10043815 dated 19/02/2024 for the A.Y. 2018-19.
2. Shri M.K. Choudhary with Shri Devesh Poddar, Id. A.Rs are represented on behalf of the assessee and Shri Rajib Jain, Id. CIT-DR represented on behalf of the revenue.
3. It was submitted by the Id. CIT-Departmental Representative that the issue in the revenue's appeal was against the action of the Id. CIT(A) in deleting the addition made in respect of the under-loading charges and the demurrage charges paid to the railways which had been disallowed by the Assessing Officer. It was a submission that the Assessing Officer had treated the said

payments as penal in nature. It was a submission that the Id. CIT(A) had deleted the addition by holding that the payments were not penal in nature.

4. In reply, the Id. AR submitted that the issue was now squarely covered by the decision of the Coordinate Bench of this Tribunal in assessee's own case for the A.Y. 2016-17 and 2017-18 in ITA No. 95 & 103/Ran/2023 order dated 07/04/2025, wherein the Coordinate Bench of this Tribunal has in para 16 to 18 held as follows:

- "16. During the course of hearing, the learned Authorised Representative of the assessee has reiterated the same argument as raised with regard to under-loading charges and submitted that both these issues of under loading charges and demurrage charges were subject matter of disputes in the judgment dated 10/08/2019 of Hon'ble ITAT, Nagpur Bench in ITA No. 475/Nag/2007 for A.Y. 2004-05 in the case of Western Coalfields Limited Vs DCIT, Range-2, Nagpur, has decided all the identical issue of under loading charges and Demurrage charges which was decided in favour of assessee by the Hon'ble ITAT Nagpur Bench vide order dated in ITA No. 289 and 290/Nag/2006 dated 30/06/2009 for A.Y. 2002-03 and 2003-04.
17. The Id. CIT-DR for the revenue, on the other hand, has relied on the order of Assessing Officer.
18. We have considered the facts of the case, rival submissions and the decisions of the Hon'ble ITAT, Nagpur Bench and also the decision of Hon'ble High Courts on this issue. It is found that the Hon'ble ITAT, Nagpur Bench has already decided this issue of demurrage charges in the case of assessee's sister concerned i.e. M/s Western Coalfields Ltd. We find no reason to differ with that because the nature of expenses as the same in both the cases i.e. in the case of this assessee and its sister concern M/s Western Coalfields Ltd., Thus, the ratio applied by the Hon'ble ITAT, Nagpur Bench is also applicable in the case of the assessee. Thus, respectfully following the decision of the Hon'ble ITAT, Nagpur, we also hold that the disallowance made by the Assessing Officer under the

*head "Demurrage" is not correct and same is deleted. The impugned order of Id. CIT(A) is, therefore, upheld qua this issue."*

It was a submission that the issue having been already held in favour of the assessee, the same is liable to be followed and the appeal filed by the revenue may be dismissed.

5. We have considered the rival submissions. As it is noticed that the issues in this appeal are squarely covered by the decision of the Coordinate Bench of this Tribunal in the assessee's own case for the A.Y. 2016-17 and 2017-18 and the impugned appeal is for the A.Y. 2018-19 and has no change in the facts have been brought out. Respectfully following the decision of the Coordinate Bench of this Tribunal in the assessee's own case for the A.Y. 2016-17 and 2017-18 referred to supra, the findings of the Id. CIT(A) stands confirmed. Consequently, the appeal filed by the revenue stands dismissed.
6. In the result, this appeal of the revenue is dismissed.

Order announced in open court on 05/01/2026.

Sd/-  
(RATNESH NANDAN SAHAY)  
ACCOUNTANT MEMBER

Sd/-  
(GEORGE MATHAN)  
JUDICIAL MEMBER

Ranchi, Dated: 05/01/2026

*\*Ranjan*

Copy to:

1. Assessee
2. Revenue
3. CIT
4. DR
5. Guard File

By order

Sr. Private Secretary, ITAT, Ranchi