

आयकर अपीलीय अधिकरण
दिल्ली पीठ "एस एम सी", दिल्ली
श्री विकास अवस्थी, न्यायिक सदस्य

IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH "SMC", DELHI
BEFORE SHRI VIKAS AWASTHY, JUDICIAL MEMBER
आअसं.6390/दिल्ली/2025 (नि.व. 2020-21)
ITA No. 6390/DEL/2025 (A.Y.2020-21)

Devinder Ajmani,
2/27, WHS, Kirti Nagar, New Delhi 110015

PAN: AEBPA-8406-M

..... अपीलार्थी/Appellant

बनाम Vs.

Assessing Officer, Ward-11(1),
CR Building, Delhi 110002

..... प्रतिवादी/Respondent

अपीलार्थी द्वारा/Appellant by : Shri R. K Gaur & Ms. Bhavya Gaur,
Chartered Accountants

प्रतिवादीद्वारा/Respondent by : Shri Manoj Kumar, Sr. DR

सुनवाई की तिथि/ Date of hearing : 16/12/2025

घोषणा की तिथि/ Date of pronouncement : 14/01/2026

आदेश/ORDER

PER VIKAS AWASTHY, JM:

This appeal by the assessee is directed against the order of Commissioner of Income Tax (Appeals), National Faceless Appeal Centre, Delhi [in short 'the CIT(A)'] dated 13.08.2025, for Assessment Year 2020-21.

2. The solitary issue in the present appeal by the assessee is denial of deduction u/s.57(iii) of the Income Tax Act,1961(hereinafter referred to as 'the Act') claimed by the assessee in respect of interest paid Rs.27,16,082/-.

3. Shri R. K Gaur, appearing on behalf of the assessee submits that the assessee is a Director of Harvin Impex P. Ltd. company. The assessee had initially taken Home Loan in the year 2012 from IDFC First Bank Ltd. The loan repayment schedule is at

pages 36 to 38 of the paper book. The assessee had advanced the said loan to Harvin Impex P. Ltd. and claimed deduction u/s.57(iii) of the Act. The Assessing Officer (AO) in the impugned assessment year disallowed assessee's claim of deduction on interest payment of Rs.27,16,082/-. The Id. AR submitted that, the assessee had taken loan under the category of Housing Loan as the rates of interest was cheaper. The purpose of loan was for advancing to the company. The Id. AR further contended that the assessee is claiming deduction u/s.57(iii) of the Act in the past on the said loan and the same was allowed to the assessee. However, in the impugned assessment year the same has been denied on identical set of facts.

4. Per contra, Shri Manoj Kumar representing the department vehemently supporting the impugned order prayed for dismissing appeal of the assessee.

5. Both sides heard, orders of the authorities below examined. The limited issue in the present appeal for consideration is assessee's eligibility for claiming deduction u/s.57(iii) of the Act in respect of interest on loan advanced to the company wherein assessee is a Director. A perusal of the impugned order shows that the assessee had taken loan under three loan accounts, as under:-

S. No	Bank/Finance Company	Loan Agreement	Product	Amount Finance	Interest paid during the FY 2019-20
1	Capital First	2005015	LAP	1,08,10,000	9,72,822
2	IDFC Frist Bank	551947	HL	11,79,85,000	34,91,412
3	IDFC First Bank	3865600	LAP	1,39,73,000	13,74,460

The AO/CIT(A) allowed deduction u/s.57 of the Act in respect of two accounts i.e. at Sr No. 1 & 3 of the above table. Both the said accounts were Loan Against Property (LAP). The AO disallowed deduction u/s.57 of the Act in respect of third loan, where the loan account was for 'Home Loan'. The contention of the Id. AR is

that in the preceding assessment years the deduction claimed u/s.57(iii) of the Act in respect of interest paid on Home Loan account was allowed whereas in the impugned assessment year on identical set of facts assessee's claim of deduction has been rejected. I deem it appropriate to restore this issue back to the AO for the limited purpose of verification of assessee's claim of deduction in the past. If deduction u/s.57 of the Act has been allowed to the assessee in respect of Home Loan in the preceding assessment years the same be allowed in the impugned assessment year, following rule of consistency.

6. In the result, impugned order is *set aside* and appeal of the assessee is allowed for statistical purpose.

Order pronounced in the open court on Wednesday the 14th day of January, 2026.

Sd/-

(VIKAS AWASTHY)

न्यायिक सदस्य/JUDICIAL MEMBER

दिल्ली/Delhi, दिनांक/Dated 14/01/2026

NV/-

प्रतिलिपि अग्रेषितCopy of the Order forwarded to :

1. अपीलार्थी/The Appellant ,
2. प्रतिवादी/ The Respondent.
3. The PCIT/CIT(A)
4. विभागीय प्रतिनिधि, आय.अपी.अधि., दिल्ली /DR, ITAT, दिल्ली
5. गार्ड फाइल/Guard file.

//True Copy//

BY ORDER,

(Asstt. Registrar) ITAT, DELHI