

**IN THE INCOME TAX APPELLATE TRIBUNAL
'C' BENCH, BANGALORE**

**BEFORE SHRI SUNIL KUMAR YADAV, JUDICIAL MEMBER
and
SHRI INTURI RAMA RAO, ACCOUNTANT MEMBER**

ITA No.1281/Bang/2015
(Assessment year: 2012-13)

Asst. Commissioner of Income-tax,
Circle 1(1),
Hubballi. ... Appellant

Vs.

M/s.Bellad & Co.,
Vidyanagar,
Hubballi. ... Respondent
PA No: AABFB 6457D

Appellant by : Shri C.N.Bipin, JCIT(DR)
Respondent by : Shri C.R.Nulvi, CA

Date of hearing : 04/07/2016
Date of pronouncement : 27/07/2016

O R D E R

Per INTURI RAMA RAO, AM :

This is an appeal filed by the revenue directed against the order of the CIT(A), Hubli, dated 31/07/2015 for the assessment year 2012-13.

2. The revenue raised the following grounds of appeal:

1. *The order of Ld.CIT(A) is opposed to law and facts of the case.*

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2. *Whether on the facts and in the circumstances of the case and in law, the Id.CIT(A) is correct in deleting the disallowance made u/s 80IA of the Act without considering the fact that the profit from the new undertaking is to be computed as if it is the only business carried out by the assessee from its inception and to allow set off of earlier year's losses and depreciation against the current year's income of such unit, even though these amounts have been set off against other income in the earlier years.*
3. *Any other ground that may be taken during the appeal.*
4. *The appellant craves leave to add, alter, amend and delete any of the grounds of appeal.*

2. The only ground of appeal is for the purpose of deduction us/ 80IA(5) of the Income-tax Act,1961 [‘the Act’ for short] whether business losses determined prior to initial year of business should be set off against business profits determined for the year under consideration. This issue was decided in our order of even date in ITA No.1029/Bang/2015 in the case of the same assessee for assessment year 2010-11. Respectfully following the ratio laid down in that order, this ground of appeal is dismissed.

3. In the result, the appeal of the revenue is dismissed.

Order pronounced in the open court on 27th July,2016

sd/-
(SUNIL KUMAR YADAV)
JUDICIAL MEMBER

Place : Bangalore
D a t e d : 27/07/2016

sd/-
(INTURI RAMA RAO)
ACCOUNTANT MEMBER

srinivasulu, sps

Copy to :

- 1 Appellant
- 2 Respondent
- 3 CIT(A)-II Bangalore
- 4 CIT
- 5 DR, ITAT, Bangalore.
- 6 Guard file

By order

Assistant Registrar
Income-tax Appellate Tribunal
Bangalore