

**आयकर अपीलीय अधिकरण "I" न्यायपीठ मुंबई में।**

**IN THE INCOME TAX APPELLATE TRIBUNAL "I" BENCH, MUMBAI**

**BEFORE SHRI AMIT SHUKLA, JUDICIAL MEMBER  
AND SHRI RAMIT KOCHAR, ACCOUNTANT MEMBER**

आयकर अपील सं./I.T.A. No.115/Mum/2015

(निर्धारण वर्ष / Assessment Year : 2011-12)

India Infoline Investment Services Limited IIFL Center, Kamala city, Senapati Bapat Marg, Lower Parel West, Mumbai-400 013	<b>बनाम/</b> v.	Addl. CIT 9(2) Aayakar Bhawan Churchgate Mumbai
स्थायी लेखा सं./PAN : AABCI2915C		
(अपीलार्थी / <b>Appellant</b> )	..	(प्रत्यर्थी / <b>Respondent</b> )

Assessee by	Mr. Pritesh Mehta
Revenue by :	Shri P R Gosh,DR

सुनवाई की तारीख / **Date of Hearing** : 16-08-2016

घोषणा की तारीख / **Date of Pronouncement** : 25-10-2016

**आदेश / ORDER**

**PER RAMIT KOCHAR, Accountant Member**

This appeal, filed by the assessee, being ITA No. 115/Mum/2015, is directed against the appellate order dated 07<sup>th</sup> November, 2014 passed by learned Commissioner of Income Tax (Appeals)- 20, Mumbai (hereinafter called "the CIT(A)"), for the assessment year 2011-12, the appellate proceedings before the learned CIT(A) arising from the assessment order dated 03-02-2014 passed by the learned Assessing Officer (hereinafter called "the AO") u/s 143(3) of the Income-tax Act, 1961 (Hereinafter called "the Act").

2. In this appeal, although the assessee has raised multiple grounds of appeal in memo of appeal filed with the Tribunal but the solitary dispute

relate to disallowance of Rs.22,57,10,2016/- made by the AO u/s 14A of the Act read with Rule 8D of Income-tax Rules, 1962.

3. Before us , the Ld. Counsel for the assessee submitted that an identical situation in the case of the assessee for assessment year 2009-10 and 2010-11 came up before the Tribunal and vide orders dated 25/07/2014 , in ITA no. 6937/Mum/2012 for assessment year 2009-10 , the Tribunal has remanded the matter back to the file of the AO for reconsideration in accordance with the directions contained therein. Copy of the order of the Tribunal dated 25/07/2014(supra) has been placed on record. Further, the Tribunal in ITA No.5110/Mum/2014 vide orders dated 23/02/2016 for the assessment year 2010-11 followed the decision of the Tribunal in ITA No 6937/Mum/2012 for the assessment year 2009-10 in assessee's own case and remanded the matter back to the file of the AO with a direction to reconsider the application of Section 14A of the Act in the said assessment year 2010-11, in the light of the decision of the Tribunal dated 25/07/2014 (supra) in assessee's own case for the assessment year 2009-10.

It was a common point between both the parties that the present appeal of the assessee be decided in the light of the orders of the Tribunal dated 25/07/2014(supra) and 23/02/2016(supra) in assessee's own case for assessment year 2009-10 and 2010-11 respectively and the matter be restored to the file of the AO for consideration afresh in accordance with law , keeping in view afore-stated orders of the Tribunal for the assessment year 2009-10 and 2010-11.

4. Accordingly, the impugned order of the learned CIT(A) is set aside and the matter is remanded back to the file of the AO with a direction to reconsider the application of Section 14A of the Act in this year in accordance with law, also in the light of the decision of the Tribunal dated 25/07/2014(supra) and

23/02/2016(supra) in assessee's own case for the assessment year 2009-10 and 2010-11. Needless to say that the AO shall allow the assessee a reasonable opportunity of being heard before passing an order afresh in accordance with law. We order accordingly.

5. In the result, appeal of the assessee is allowed for statistical purposes as indicated above;

Order pronounced in the open court on 25<sup>th</sup> October, 2016.

आदेश की घोषणा खुले न्यायालय में दिनांक: 25-10-2016 को की गई ।

Sd/-  
(AMIT SHUKLA)  
JUDICIAL MEMBER

sd/-  
(RAMIT KOCHAR)  
ACCOUNTANT MEMBER

मुंबई Mumbai; दिनांक Dated 25-10-2016

I

व.नि.स./ R.K., Ex. Sr. PS

**आदेश की प्रतिलिपि अग्रहित/Copy of the Order forwarded to :**

1. अपीलार्थी / The Appellant
2. प्रत्यर्थी / The Respondent.
3. आयकर आयुक्त(अपील) / The CIT(A)- concerned, Mumbai
4. आयकर आयुक्त / CIT- Concerned, Mumbai
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, मुंबई / DR, ITAT, Mumbai "I" Bench
6. गार्ड फाईल / Guard file.

आदेशानुसार/ BY ORDER,

सत्यापित प्रति //True Copy//

उप/सहायक पंजीकार (Dy./Asstt. Registrar)  
आयकर अपीलीय अधिकरण, मुंबई / ITAT, Mumbai