

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH: 'E' NEW DELHI
BEFORE SHRI R. S. SYAL, ACCOUNTANT MEMBER
AND
SMT SUCHITRA KAMBLE, JUDICIAL MEMBER
I.T.A .No.-2212/Del/2014
(ASSESSMENT YEAR-2001-02)**

ACIT Cirlce-31(1) New Delhi (APPELLANT)	vs	Nyasa 4, Jor Bagh New Delhi AAAFN4919K (RESPONDENT)
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Appellant by	Sh. Anil Bhalla, Adv
Respondent by	Sh. Rajesh Kumar, Sr. DR

Date of Hearing	29.03.2017
Date of Pronouncement	30.03.2017

ORDER

PER SUCHITRA KAMBLE, JM

This appeal is filed by the Revenue against the order dated 22/1/2014 passed by CIT(A) –XXVI, New Delhi.

2. The appeal is in respect of deduction u/s 80HHC of the Income Tax Act, 1961 on DEPB receipts which falls u/s 28(iib) & 28(iid) the Act. As per the submissions made by the Ld. AR, this issue has been decided by the Hon'ble Apex Court in cases of M/s Topman Exports Vs. CIT 342 ITR 49 (SC) as well as by latest judgment of CIT Vs. Avani Exports 119 DTR 352 (SC).

3. The Ld. DR did not controvert the same.

4. We have heard both the parties. The issue under consideration is covered by Apex Court decisions in case of Avani Exports and Topman Exports

in favour of the assessee. The CIT(A) has rightly directed the Assessing Officer to allow deduction u/s 80HHC of the Act in respect of face value of DEPB licences of Rs. 75,90,047/- as per the Apex court decisions.

5. In result, appeal is dismissed.

The order is pronounced in the open court on 30th day of March, 2017.

Sd/-

**(R.S. SYAL)
ACCOUNTANT MEMBER**

Sd/-

**(SUCHITRA KAMBLE)
JUDICIAL MEMBER**

Dated: 30/03/2017

*R. Naheed **

Copy forwarded to:

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

ASSISTANT REGISTRAR

ITAT NEW DELHI

		Date	
1.	Draft dictated on	29.03.2017	PS
2.	Draft placed before author	29.03.2017	PS
3.	Draft proposed & placed before the second member	.2017	JM/AM
4.	Draft discussed/approved by Second Member.		JM/AM
5.	Approved Draft comes to the Sr.PS/PS	30.03.2017	PS/PS

6.	Kept for pronouncement on		PS
7.	File sent to the Bench Clerk	30.03.2017	PS
8.	Date on which file goes to the AR		
9.	Date on which file goes to the Head Clerk.		
10.	Date of dispatch of Order.		