

आयकर अपीलीय अधिकरण, 'बी' न्यायपीठ, चेन्नई

IN THE INCOME TAX APPELLATE TRIBUNAL

'B' BENCH, CHENNAI

श्री एन.आर.एस. गणेशन, न्यायिक सदस्य एवं

श्री डि.एस. सुन्दर सिंह, लेखा सदस्य केसमक्ष

BEFORE SHRI N.R.S. GANESAN, JUDICIAL MEMBER AND
SHRI D.S. SUNDER SINGH, ACCOUNTANT MEMBER

आयकर अपील सं./ITA No.892/Mds/2016

निर्धारण वर्ष / Assessment Year : 2012-13

The Deputy Commissioner of
Income Tax,
Corporate Circle – 5(1),
Chennai - 600 034.

v. M/s Rayala Corporation Pvt. Ltd.,
No.144/7, Old Mahabalipuram Road,
Rayala Techo park, Kottivakkam,
Chennai - 600 041.

(अपीलार्थी/Appellant)

PAN : AABCR 7230 D

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से/Appellant by : Shri Supriyo Pal, JCIT

प्रत्यर्थी की ओर से/Respondent by : Sh. Saroj Kumar Parida, Advocate

सुनवाई की तारीख/Date of Hearing : 27.02.2017

घोषणा की तारीख/Date of Pronouncement : 29.03.2017

आदेश /O R D E R

PER N.R.S. GANESAN, JUDICIAL MEMBER:

This appeal of the Revenue is directed against the order of the Commissioner of Income Tax (Appeals) – 3, Chennai, dated 11.01.2016 and pertains to assessment year 2012-13.

2. The first issue arises for consideration is classification of income from letting out of properties.

3. We have heard Shri Supriyo Pal, the Ld. Departmental Representative and Sh. Saroj Kumar Parida, the Ld.counsel for the assessee. This issue was considered in the assessee's own case by the Apex Court and found that the income from letting out of property is a business income. In view of the judgment of Apex Court in the assessee's own case, which is reported in 2016-TIOL-119-SC-IT, this Tribunal do not find any reason to interfere with the order of the lower authority and accordingly the same is confirmed.

4. The next issue arises for consideration is disallowance of expenditure under Section 14A of the Income-tax Act, 1961 (in short 'the Act').

5. We find that this issue also admittedly covered by the order of co-ordinate Bench of this Tribunal in the assessee's own case for assessment year 2011-12 in I.T.A. No.908/Mds/2015. In view of the above, this Tribunal do not find any reason to interfere with the order of the lower authority and accordingly the same is confirmed.

6. In the result, the appeal filed by the Revenue is dismissed.

Order pronounced on 29th March, 2017 at Chennai.

sd/-

(डि.एस. सुन्दर सिंह)

(D.S. Sunder Singh)

लेखा सदस्य/Accountant Member

sd/-

(एन.आर.एस. गणेशन)

(N.R.S. Ganesan)

न्यायिक सदस्य/Judicial Member

चेन्नई/Chennai,

दिनांक/Dated, the 29th March, 2017.

Kri.

आदेश की प्रतिलिपि अग्रेषित/Copy to:

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकर आयुक्त (अपील)/CIT(A)-3, Chennai
4. Principal CIT, Chennai-5, Chennai
5. विभागीय प्रतिनिधि/DR
6. गार्ड फाईल/GF.