

IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCHES : SMC-I : NEW DELHI

BEFORE SHRI R.S. SYAL, ACCOUNTANT MEMBER

ITA No.1084/Del/2015
Assessment Year : 2008-09

Bholasons Enterprises,
53/57, Ramjas Road,
Karol Bagh,
New Delhi.

Vs. ACIT,
Circle-33(1),
New Delhi.

PAN: AADFB8328H

(Appellant)

(Respondent)

Assessee By : Shri R.S. Singhvi, CA
Department By : Mrs. Shaveta Nakra Datta, Sr. DR

Date of Hearing : 21.07.2016
Date of Pronouncement : 21.07.2016

ORDER

This appeal filed by the assessee is directed against the order passed by the CIT(A) on 20.01.2015 in relation to the assessment year 2008-09.

2. The only issue raised in this appeal is against not allowing deduction u/s 10B in respect of interest of Rs.30,02,961/- assessed as 'Income from other sources' against the claim of the assessee being, the same from business.

3. I have heard the rival submissions and perused the material on record. It is observed that similar issue came up for consideration before the Tribunal in the assessee's own case for the immediately preceding assessment year, namely, 2007-08. Vide order dated 29.10.2010 in ITA No.2453/Del/2010, the Tribunal for the A.Y. 2007-08 (*sic* 2006-07) has remitted the matter to the file of AO for fresh decision in the light of certain directions given in para 7 of its order. Since the facts and circumstances of the instant case are *mutatis mutandis* similar to those of the immediately preceding assessment year, respectfully following the precedent, I set aside the impugned order and send the matter back to the file of the AO for a fresh decision in conformity with the directions given by the Tribunal in its earlier order.

4. In the result, the appeal is allowed for statistical purposes.

The order pronounced in the open court on 21.07.2016.

Sd/-

[R.S. SYAL]
ACCOUNTANT MEMBER

Dated, 21st July, 2016.

dk

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT (A)
5. DR, ITAT

AR, ITAT, NEW DELHI.