आयकर अपीलीय अधिकरण, मुंबई न्यायपीठ 'ई' मुंबई
IN THE INCOME TAX APPELLATE TRIBUNAL "E" BENCH, MUMBAI

श्री आर. सी. शर्मा, लेखा सदस्य, एवं श्री अमरजीत सिंह, न्यायिक सदस्य, के समक्ष
BEFORE SHRI R.C.SHARMA, AM AND SHRI AMARJIT SINGH, JM

आयकर अपील सं/ I.T.A. No.5561/Mum/2015
(**निर्धारण वर्ष /** Assessment Year: 2010-11)

Smt. Heena Parag Chheda The Ruby, 8th Floor, Senapati Bapat Marg, Tulsi Pipe Road, Dadar (W), Mu8mbai - 400028	**बनाम**/ Vs.	Income Tax Officer Ward 21(1)(4) Piramal Chambers, Mumbai
स्थायी लेखा सं./जीआइआर सं./PAN/GIR No. : ASSPC7587Q		
(अपीलार्थी **/Appellant**)	..	(प्रत्यर्थी / **Respondent**)

Assessee by:	Ms. Mrugakshi Joshi
Department by:	Capt. Pradeep S. Arya

सुनवाई की तारीख / Date of Hearing: 22.09.2016
घोषणा की तारीख /Date of Pronouncement: 26.10.2016

आदेश / O R D E R

PER AMARJIT SINGH, JM:

The assessee has filed the present appeal against the order dated 29.10.2015 passed by the Commissioner of Income Tax (Appeals) 33, Mumbai [hereinafter referred to as the "CIT(A)"] relevant to the A.Y.2010-11.

2. The assessee has raised the following grounds:-

> *"a. The learned CIT(A) erred in partially confirming the adhoc disallowance u/s.14A r.w.Rule 8D, although no expenses have been incurred on earning tax free income. The learned AO failed to establish any nexus between the expenditure incurred the exempt income earned.*
>
> *b. The learned CIT(A) failed to take into consideration, that as per section 14A(2), the AO cannot ipso facto apply Rule 8D but can do so only where he records satisfaction on an objective basis that the assessee is unable to establish the correctness of its claim.*
>
> *c. Computation under Rule 8D : Without prejudice the learned CIT(A) erred in confirming the disallowance under Rule 8D2(ii), although the interest expenditure has direct nexus with the capital introduced in the partnership Firm, and therefore is outside the scope of Rule 8D2(ii)."*

3. The brief facts of the case are that the assessee filed her return of income on 15.10.2010 declaring the income to the tune of Rs.4,31,351/- The Assessing Officer assessed the income of the assessee to the tune of Rs.47,05,530/- vide order dated 21.03.2013. The assessee did not accept the said assessment order and filed an appeal on 19.04.2013 with CIT(A)-33, Mumbai who decided the appeal by virtue of order dated 29.10.2015. However the assessee was not satisfied on account of addition u/s.14A r.w.r.8D of the Income

Tax Act, 1961 (in short "the Act"). Therefore the assessee has filed the present appeal before us.

4. We have heard the arguments advanced by the learned representative of the parties and perused the record. At the very outset the representative of the assessee has made the statement before the Tribunal to the effect that the assessee officer has granted the relief while giving the effect of CIT(A) order by virtue of order dated 14.01.2016. Therefore, the assessee did not want to press this appeal. In view of the said statement wherein the assessee only raised the point of addition on account of section 14A r.w.r. 8D of the Act. The present appeal is hereby order to be to be dismissed being not pressed.

5. In the result, the appeal filed by the **assessee is hereby Dismissed** being not pressed.

Order pronounced in the open court on 26th October, 2016.

Sd/-	Sd/-
(R.C.SHARMA)	(AMARJIT SINGH)
लेखा सदस्य / ACCOUNTANT MEMBER	न्यायिक सदस्य/JUDICIAL MEMBER

मुंबई Mumbai; दिनांक Dated 26th October, 2016

MP

<u>आदेश की प्रतिलिपि अग्रेषित/Copy of the Order forwarded to</u> :

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

आदेशानुसार/ BY ORDER,

सत्यापित प्रति //True Copy//

उप/सहायक पंजीकार /(Dy./Asstt. Registrar)

आयकर अपीलीय अधिकरण, मुंबई / **ITAT, Mumbai**