IN THE INCOME TAX APPELLATE TRIBUNAL
"G" Bench, Mumbai

Before Shri D. Manmohan, Vice President
and Shri D. Karunakara Rao, Accountant Member

ITA No.8243/Mum/2010
(Assessment Year: 2006-07)

RGA International Reinsurance Co. Ltd., C/o. S.R. Batliboi & Co. 18th Floor, Express Towers Nariman Point, Mumbai 400020 PAN - AADCR 1226 K	Vs.	Asst. Director of Income Tax (International Taxation) - 2(1) Scindia House, Ballard Pier Mumbai 400038
Appellant		**Respondent**

Appellant by: Shri Shyam Shah
Respondent by: Shri D.K. Sinha

Date of Hearing: 01.04.2013
Date of Pronouncement: 01.04.2013

O R D E R

Per D. Manmohan, V.P.

This appeal is filed at the instance of the assessee company and it pertains to A.Y. 2006-07.

2. Admittedly, the TDS certificate reveals that the amount has been credited during the period 25th April 2006 and 20th July, 2006 and the amount of TDS deducted and paid does not fall in F.Y. 2005-06 relevant to A.Y. 2006-07.

3. Before us it was contended that the learned CIT(A) erred in not granting credit for the TDS deducted at source amounting to ₹29,72,985/-. In the alternative it was contended that the AO should have been directed to give credit to TDS in the subsequent year, i.e. A.Y. 2007-08.

4. At the time of hearing the learned counsel for the assessee submitted that consequent to disallowance of the claim of TDS in the year under consideration the assessee filed an application before the AO for A.Y. 2007-08, which is pending.

5. The learned D.R. has no objection if a direction is given to suitably give credit to the TDS in the year in which payment is made, subject to making an appropriate claim as per law.

6. Having regard to the circumstances of the case we hold that the assessee is not justified in claiming credit for TDS credited during the period 25th April, 2006 to 20th July, 2006. However, upon proving before the AO that it pertains to A.Y. 2007-08, assessee is entitled to claim deduction in the next year. We direct the assessee to make a claim in the year in which it is allowable. Needless to observe that the AO shall take into consideration the application of the assessee and shall dispose of the same in accordance with law.

7. In the result, appeal filed by the assessee is dismissed.

Order pronounced in the open court on 1st April, 2013.

Sd/-	Sd/-
(D. Karunakara Rao)	**(D. Manmohan)**
Accountant Member	**Vice President**

Mumbai, Dated: 1st April, 2013

Copy to:

1. *The Appellant*
2. *The Respondent*
3. *The CIT(A) – 11, Mumbai*
4. *DIT (Intel. Taxation), Mumbai*
5. *The DR, "G" Bench, ITAT, Mumbai*

By Order

//True Copy//

Assistant Registrar
ITAT, Mumbai Benches, Mumbai

n.p.