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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC011323192024
+ **ITA 690/2026 CM APPL. 57391/2026 CM APPL. 57392/2026**
PR. COMMISSIONER OF INCOME TAX-4, NEW DELHI
.....Appellant

Through: Mr. Shlok Chandra, SSC with Ms.
Naincy Jain, Ms. Madhavi Shukla,
JSCs.

versus

M/S NTPC VIDYUT VYAPAR NIGAM LTD Respondent
Through: Mr. Ved Jain, Mr. Nischay Kantoor &
Ms. Vandana Kothari, Advs.

CORAM:
HON'BLE MR. JUSTICE DINESH MEHTA
HON'BLE MR. JUSTICE RAJNEESH KUMAR GUPTA

ORDER
24.08.2026

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1. The present appeal has been filed against the order dated 03.11.2023 passed by the Income Tax Appellate Tribunal, New Delhi, Bench 'E' (*hereinafter referred to as 'the Tribunal'*) in ITA No.6816/Del/2019 for the Assessment Year 2013-14.
2. Mr. Nischay Kantoor, learned counsel for the respondent informs that the Revenue's appeal for subsequent year i.e., AY 2015-16 being in ITA 260/2024, has been rejected by this Court vide order dated 23.04.2025 and therefore, this appeal is also liable to be dismissed.
3. Ms. Naincy Jain, learned Junior Standing Counsel for the



appellant-Revenue is not in a position to dispute the aforesaid factual position.

4. In ITA 260/2024 relating to AY 2015-16, while considering a similar question, this Court has held thus:-

“22. In the given facts, we do not find any infirmity with the decision of the learned ITAT that the Assessee had not earned any income on account of sale of fly ash, which was provided by NTPC. In Commissioner of Income-Tax v. New Horizon Sugar Mills Pvt. Ltd.: (2000) 244 ITR 738, the Madras High Court had upheld the decision of the learned ITAT holding that the amount set apart towards Molasses Storage Reserve Fund is required to be excluded from the total income of the assessee. The said decision was rendered bearing in mind the Molasses Control (Amendment) Order dated 06.02.1972, which required that the amount for construction of molasses storage tank was to be kept separately. The assessee had no power to spend the said amount, the same was required to be spent only in accordance with the directions issued by the Government. The appeal preferred against the said order was also dismissed by the Supreme Court, in view of the orders passed in similar matter permitting the Revenue to withdraw the appeals.

23. In the facts of the present case as well, the Assessee was not free to utilize the sale proceeds of fly ash as the same was required to be used for specified purposes, which as stated above, did not result in the Assessee acquiring any asset.

24. In view of the above, we find no infirmity with the decision of the learned ITAT. No Substantial questions of law arise for consideration of this court. This appeal is, accordingly, dismissed.”

5. Having heard learned counsel for the parties and upon perusal of the aforesaid order and the question involved in the present appeal, we find that issues involved in the present appeal are identical to the issues considered by



this Court in ITA 260/2024 relating to AY 2015-16.

6. Following the judgement of this Court dated 23.04.2025 in ITA260/2024 relating to AY 2015-16, the present appeal is also dismissed.

7. All pending applications stand disposed of.

DINESH MEHTA, J.

RAJNEESH KUMAR GUPTA, J.

AUGUST 24, 2026/sid