HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE MRS JUSTICE ANIS

I.T.T.A.No.316 of 2016

Judgment:

The Revenue has come up with the above appeal under Section 260A of the Income Tax Act, 1961, raising the following questions of law:

> (1) Whether, on the facts and in the circumstances of the case, the Appellate Tribunal is correct in law in reversing the findings of the Commissioner of Income Tax (Appeals) that the respondent assessee has resorted to deliberate falsification without giving any cogent findings?
>
> (2) Whether, in the facts and circumstances of the case, the Tribunal is correct in law in holding that the project was completed by 31.03.2011, without conducting proper enquiries, despite the fact that the completion certificate filed by the respondent assessee was full of discrepancies and also the same is not a reliable document? and
>
> (3) Whether, in the facts and circumstances of the case, the Tribunal is correct in law in holding that the respondent assessee is eligible for deduction under Section 801B(10) of the Income Tax Act, on the ground of the Assessing Officer accepting the completion certificate in the subsequent year i.e., Assessment Year 2010-11, despite the findings of the higher authority in the form of Commissioner of Income Tax (Appeals) for the relevant Assessment Year i.e., 2009-10 and also the proceedings of both years are independent for each year?

2. But, a careful look at the order of the CIT (Appeals) would show that he had rejected, on a perverse appreciation of the Certificate issued by the Greater Hyderabad Municipal Corporation (GHMC) that the building was completed in all respects on
31-3-2011. The Certificate issued by the GHMC clearly states that the dwelling units were completed in all respects and occupied on 31-3-2011 itself. Still, the CIT (Appeals) chose to come to the conclusion that the building was not completed before 30-12-2011.

3. This is why the Tribunal was compelled to interfere with the said order and we find no question of law, much less substantial question of law, arising in the appeal. Hence, the appeal is dismissed. The miscellaneous petitions, if any, pending in this appeal shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

ANIS, J.

03rd August, 2016.
Ak

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE MRS JUSTICE ANIS

I.T.T.A.No.316 of 2016

-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-

03rd August, 2016.
(Ak)