THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SMT JUSTICE ANIS

<u>I.T.T.A.No. 265 of 2016</u>

<u>JUDGMENT:</u> ***(Per VRS,J)***

The assessee has come up with the above appeal under

Section 260A of the Income Tax Act, 1961, raising the following substantial questions of law:

1) *Whether the Income Tax Appellate Tribunal was correct in law in holding that exceptional circumstances should exist for making cash payments to avoid disallowance under Section 40A(3) of the Income Tax Act r/w Rule 6DD(k) of the Income Tax Rules?*

2) *Whether the decision of the ITAT that disallowance under Section 40A(3) being not total, but only 20% thereof, the disallowance was justified, is correct in law? and*

3) *Whether the Income Tax Appellate Tribunal went wrong in proper appreciation of the provisions of Section 40A(3) of Income Tax Act and Rule 6DD of Income Tax Rules and their applicability to the facts of the case?*

It is admitted by Mr. Challa Gunaranjan, learned counsel appearing for the appellant, that these questions of law are covered against the assessee, by a judgment of this Court, dated 18.10.2014, in I.T.T.A.No.262 of

2014. Therefore, following the same, this appeal is also dismissed.

Consequently, miscellaneous petitions if any pending in the appeal shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

ANIS, J.

2nd August, 2016
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