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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ ITA 857/2016, C.M. APPL.44601/2016

COMMISSIONER OF INCOME TAX (EXEMPTION)..... Appellant
Through : Sh. P. Roychaudhuri, Sr. Standing Counsel with Ms. Vibhooti Malhotra, Advocate.

versus

SOCIETY OF INDIAN AUTOMOBILE MANUFACTURERS
..... Respondent
Through : Sh. Gaurav Jain and Ms. Bhavita, Advocates.

CORAM:
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE NAJMI WAZIRI

O R D E R
% 14.12.2016

In this appeal, the Revenue urges that the decision of the Income Tax Appellate Tribunal (ITAT) in holding that the assessee was entitled to exemption under Section 11 of the Income Tax Act, 1961, is incorrect.

The assessee was incorporated with the object of promoting awareness and information dissemination with respect to automobile industry and is also engaged in advocacy in that industry. For the relevant year, it reported receipt of some amounts towards fees for conducting seminars and other like activity.

The Assessing Officer (AO) felt that since the assessee was engaged in providing commercial activity, the proviso to Section 2(15) was attracted. The ITAT ruled – on the basis of this Court’s judgments in *India Trade Promotion Organization v. DGIT* 2015 (374) ITR 333 and *Institution of Chartered Accounts* v. *DGIT(E)* 2013 (358) ITR 91 (Del) that the mere circumstance of collection of such amounts did not result in the assessee losing its essential character of being established for charitable purposes.

We are of the opinion that the ITAT's decision is sound in law and facts. No substantial question of law arises. The appeal is accordingly dismissed.

S. RAVINDRA BHAT, J

NAJMI WAZIRI, J

DECEMBER 14, 2016
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