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

\+ ITA 860/2016, CM APPL. 44603/2016 (delay of 20 days)

THE PR. COMMISSIONER OF INCOME TAX-4

..... Appellant

Through Mr. Ruchir Bhatia and Mr. Puneet Rai, Advs.

versus

IKEA TRADING (INDIA) P. LTD.

..... Respondent

Through None.

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

<u>O R D E R</u>

% **19.12.2016**

The Revenue in this appeal under Section 260A of the Income Tax, 1961 ('the Act') urges that the impugned order of the Income Tax Appellate Tribunal (ITAT), insofar as it holds that ₹ 1,44,25,239/- claimed towards repair and maintenance expenditure in reality falls into capital stream since it endeavours to the development of the assessee.

This Court notices, at the outset, that the expenditure claimed was towards repair and maintenance of the existing buildings and office premises. The A.O. did not doubt the expenditure. He, however, was of the opinion that it fell properly in the capital and not in the revenue stream and deemed it fit to tax.

This Court notices that the findings of the A.O. was interfered with and set aside by the CIT(A) which in turn was confirmed by the ITAT. Furthermore, Section 30 of the Act terms such expenditure as allowable business expenditure. Therefore, no substantial question of law arises for determination.

The appeal is dismissed.

S. RAVINDRA BHAT, J

NAJMI WAZIRI, J

DECEMBER 19, 2016/acm