IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPEAL NO. 361 OF 2015

The Commissioner of Income Tax-(TDS)-1 .. Appellant

v/s.

M/s. Jet Lite (India) Ltd. .. Respondent

Mr. Suresh Kumar for the appellant
Mr. Percy Pardiwala, Senior Counsel a/w Mr. Atul K. Jasani for the respondent

CORAM : S.V. GANGAPURWALA &
A.M. BADAR, J.J.

DATED : 19th JULY, 2017

P.C.

1. The present appeal pertains to Assessment Year 2009-10.

2. Mr. Suresh Kumar, learned Counsel submits that the Tribunal was not justified in deleting interest u/s 201(1A) on passenger service fees and cargo handling charges. The learned Counsel further submits that the Tribunal was not justified in deleting the interest u/s 201(1A) in respect of non-deduction of passenger service fees as irrelevant.

3. We have heard learned Senior Counsel for the respondent.

4. The Tribunal in its order as observed as under :-

> *"11. All the above grounds raised by the Revenue in this appeal are regarding the interest charges u/s 201(1A) of the Act. While adjudicating the issue of demand raised by the AO u/s 201(1) of the Act, with regard to the deduction of TDS u/s 194C, we held that there is no liability to deduct the tax at source u/s 194J of the Act and therefore, the decision taken by the CIT(A) by deleting the demand raised by the AO is fair and reasonable. Although, there is a combined ground raised covering both the issues of CHC and PSF, considering the fact eventually there is no demand raised u/s 201(1) in respect of PSF, the grounds requires amendment to that extent. Therefore, that part of the ground is dismissed as irrelevant. Considering the same, since the demand raised by the AO u/s 201(1) is deleted with reference to CHC, the adjudication of the issue of interest charges /s 201(1A) becomes academic. Accordingly, grounds raised by the Revenue in the instant appeal are dismissed as academic."*

5. The said finding is arrived at upon considering the grounds raised by the Revenue and the facts of the case. No illegality has been committed therein.

6. The appeal is dismissed. No costs.

(A.M. BADAR, J.) **(S.V. GANGAPURWALA, J.)**