$~3

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

\+ **ITA 522/2016**

PR. COMMISSIONER OF INCOME TAX(CENTRAL)-3

..... Appellant

Through: Mr. Ruchir Bhatia & Mr. Puneet Rai, Advocates

versus

KSA CHITS PRIVATE LIMITED ..... Respondent

Through: Mr. Gautam Jain & Mr. Piyush Kumar Kamal, Advocates

CORAM: JUSTICE S.MURALIDHAR
JUSTICE CHANDER SHEKHAR

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

% **19.05.2017**

<u>CM No.27728/2016</u>

1. For the reasons stated therein, the application is allowed. The delay of 260 days in re-filing the appeal is condoned.

<u>ITA No.522/2016</u>

2. This is an appeal by the Revenue against the order dated 20th March, 2015 passed by the Income Tax Appellate Tribunal ('ITAT') in ITA No.4647/Del/2013 for the Assessment Year 2008-2009.

3. The question that is urged in this appeal is whether the ITAT was correct in law in deleting the addition made under Section 68 of the Income Tax Act, 1961 on the basis of which the order of the ITAT in the case of Shri S.K. Gupta.

4. The ITAT in the impugned order referred to the earlier orders of ***Omni Farms Pvt. Ltd. v DCIT*** (order dated 28th January,2015 in ITA No.3477/Del/2013, which has been upheld by this Court by its order dated 6th October, 2015 in ITA No.707/2015 ***(Principal Commissioner of Income Tax v. Omni Farms Pvt. Ltd. v DCIT***).

5. The additional point sought to be urged in the present appeal is with reference to another order of the ITAT in the case of Rapid Packaging Ltd. This Court has dealt with this issue and decided the issue against the Revenue in its order dated 2nd May, 2017 in ITA No.675/2016 ***(Pr. Commissioner of Income Tax (Central)- 3 v. Dhamaka Trading & Construction Pvt. Ltd)***.

6. No substantial question of law arises. The appeal is dismissed.

S.MURALIDHAR, J

CHANDER SHEKHAR, J

MAY 19, 2017
tp