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

\+ **ITA No. 576/2017**

PR. COMMISSIONER OF INCOME TAX-6, NEW DELHI
..... Appellant

Through: Mr. Asheesh Jain, Sr. Standing Counsel with Mr. Vikrant A. Maheshwari, Advocate.

versus

NEW VIDEO PVT. LTD. ..... Respondent

Through: None.

\+ **ITA No. 577/2017 & C.M. No. 26810/2017**

PR. COMMISSIONER OF INCOME TAX-6, NEW DELHI
..... Appellant

Through: Mr. Asheesh Jain, Sr. Standing Counsel with Mr. Vikrant A. Maheshwari, Advocate.

versus

NEW VIDEO PVT. LTD. ..... Respondent

Through: None.

CORAM: JUSTICE S.MURALIDHAR
JUSTICE PRATHIBA M. SINGH

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

% **05.09.2017**

1. The Revenue is in appeal against the order dated 16th December 2016 passed by the Income Tax Appellate Tribunal (ITAT) in ITA No. 2587/Del/2011 and ITA No.2956/Del/2011 pertaining to the Assessment Year 2007-08 ('AY').

2. The question sought to be urged in the present appeals is whether the ITAT was justified in confirming the order of the Commissioner of Income Tax (Appeals) ['CIT(A)'] which deleted the addition of Rs. 21,64,518/- under Section 68 of the Act only on the ground that the payments to the creditors have been made by the Assessee in the subsequent years.

3. The fact remains that the explanation offered by the Assessee regarding repayment to the creditors in subsequent years was accepted by the Revenue. Therefore, in the facts and circumstances of the present case, the Court is not inclined to examine the question as urged. Nevertheless, the question is left open for consideration in an appropriate case.

4. The appeals and pending application are dismissed.

S. MURALIDHAR, J.

Prathiba..

PRATHIBA M. SINGH, J.

SEPTEMBER 05, 2017
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