$~32 & 34

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

\+ **ITA 553/2018, C.M. APPL.19070/2018**

\+ **ITA 555/2018, C.M. APPL.19072/2018**

PR. COMMISSIONER OF INCOME TAX-6 ..... Appellant

versus

NABINAGAR POWER GENERATING COMPANY PVT. LTD. ..... Respondent

Through : Sh. Asheesh Jain, Sr. Standing Counsel, for appellant, in Item Nos. 32 and 34.
None for the respondent.

CORAM:
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE A. K. CHAWLA

O R D E R

% 09.05.2018

These two appeals challenge an order of the Income Tax Appellate Tribunal (ITAT) for AYs 2010-11 and 2011-12. The Assessing Officer (AO) had brought to tax the amounts under the head “other sources of income” on the ground that the interest earned on sums lent to the contractor constituted a separate stream and were not “business income.” The ITAT followed the two rulings of the Supreme Court. For previous orders, this Court had rejected similar appeals preferred by the Revenue in ITA 541/2016 and ITA 915/2015. The issue is covered by the decision of the Supreme Court in *Tuticorin Alkali Chemicals and Fertilizers Ltd. v. CIT* 1997 (227) ITR 172 (SC). Consequently, no question of law arises. The appeals are accordingly dismissed.

S. RAVINDRA BHAT, J

A. K. CHAWLA, J

MAY 09, 2018/AJK