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

\+ ITA 508/2018

PRINCIPAL COMMISSIONER OF INCOME TAX-1..... Appellant

Through Mr.Ruchir Bhatia, Sr. Standing Counsel.

versus

AKSH OPTIFIBRE LTD. ..... Respondent

Through None.

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

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

% **01.05.2018**

In the present appeal, the Revenue is aggrieved by the order of the ITAT which held that the disallowance made by the Revenue Authorities (AO) under Section 14A was unjustified and not in accordance with law.

The Revenue's Appellate Authority and the Tribunal noticed that in the given assessment year concerning to the assessee, as a matter of fact, no tax exempt income had been derived so as to attract Section 14A. By applying the ratio of the judgment of this Court in *Cheminvest Ltd. v. Commissioner of Income Tax* [2015] 378 ITR 33 (Del), the Tribunal held that the disallowance was not justified. This Court notices that this view has been subsequently endorsed in other decisions as well. Therefore, no question of law arises and appeal is accordingly dismissed.

S. RAVINDRA BHAT, J

A. K. CHAWLA, J

MAY 01, 2018/ndn