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

\+ ITA 39/2018

PRINCIPAL COMLNISSIONER OF INCOME TAX (CENTRAL)-1
..... Appellant

Through Ms. Akriti Dewan, Adv. for Mr.Rahul Chaudhary, Sr. Standing Counsel.

versus

M/S FIIT JEE LTD. ..... Respondent

Through Mr. Madhur Aggarwal, Adv.

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

O R D E R

% **15.01.2018**

The Revenue is aggrieved by the order of ITAT, on three counts and urges questions of law. First pertains to what was termed by AO as unexplained cash receipt; the second relates to fees received on receipt basis instead of accrual basis, the premise which led the AO to tax amounts; and, the third, additions made upon the basis of statement made by one Mr. S.K. Gupta.

The assessee was aggrieved by the AO's order and on appeal to CIT(A), deleted the amounts on an overall appreciation of the circumstances. The ITAT confirmed the order of CIT(A).

This Court is of the opinion that concurrent findings have been rendered by the Appellate Authorities, favouring the assessee; moreover, the method of accounting applied by the assesee i.e. on receipt basis, was an issue to be gone into; in similar circumstances, the Court had upheld the Revenue's contentions in *Commissioner of Income Tax vs. Dinesh Kumar Goel,* (2011) 331 ITR 10. In these circumstances, no question of law arises. The appeal is therefore, dismissed.

S. RAVINDRA BHAT, J

A. K. CHAWLA, J

JANUARY 15, 2018
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