R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

INCOME TAX APPEAL NO. 610 OF 2017

Pr. Commissioner of Income Tax -8 .. Appellant

Versus

M/s. Rediff.Com India Ltd .. Respondent

....

- Mr. Suresh Kumar for the Appellant

....

CORAM : AKIL KURESHI &
S.J. KATHAWALLA, JJ.

DATE : AUGUST 5, 2019.

P.C.:

1. Revenue is in the appeal against the judgment of the Income Tax Appellate Tribunal, Mumbai (**"the Tribunal"** for short) dated 13.4.2016 raising following question for our consideration:-

> " Whether on the facts and circumstances of the case and in law, the Tribunal was justified to confirm the order of the CIT(A) wherein restricting the disallowance made by the Assessing Officer of Rs. 42,49,997/- to Rs. 5,00,000/- under Section 14A r/w Rule 8D of the Act, ignoring the facts that the disallowance worked out by following Rule 8D provides uniform mechanism for working out disallowance of expenses which are attributable to earning exempt income?"

2. Perusal of the impugned judgment of the Tribunal would show that while confirming the view of the CIT(A), the

Tribunal recorded a finding that the assessee had not earned any exempt income during the year under consideration. In that view of the matter, disallowance under Section 14A of the Income Tax Act was not found justified. Such an issue has been examined by this Court on several occasions, reference can be made to the order dated 4.2.2019 passed in Income Tax Appeal No. 1672 of 2016. In the result, the Income Tax Appeal is dismissed.

[S.J. KATHAWALLA, J.] **[AKIL KURESHI, J]**