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

+ ITA 143/2019 & CM APPL. 6359/2019

THE PR. COMMISSIONER OF INCOME
TAX -CENTRAL-3

..... Appellant

Through : Mr. Ruchir Bhatia, Sr. Standing
Counsel.

versus

GATEWAY IMPEX PVT. LTD.

..... Respondent

Through : Mr. Rohit Kumar Gupta, Adv.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

11.02.2019

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This appeal, by the Revenue, under Section 260A urges a solitary ground with respect to the disallowance under Section 14A. Though the Assessment Officer (AO) brought to tax the amounts on an application of Rule 8D of the Income Tax Rules, the ITAT set aside the addition by relying on this court's judgment in *Cheminvest Ltd. v. CIT*, (2015) 378 1TR 33 (Del). In the present case too, no exempt income was in fact earned by the assessee. As a result, no substantial question of law arises.

The appeal is dismissed.

S. RAVINDRA BHAT, J

PRATEEK JALAN, J

FEBRUARY 11, 2019

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