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

\+ ITA 145/2019 & CM Appl. 6499/2019

THE COMMISSIONER OF
INCOME TAX -EXEMPTION ..... Appellant
Through: Mr.Ruchir Bhatia, Sr.Std.Counsel

versus

NATIONAL INTERNET EXCHANGE OF INDIA ..... Respondent
Through: Mr.Rohit Jain & Mr.Aniket D.Agrawal, Advocates

CORAM:
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE PRATEEK JALAN

O R D E R

% **12.02.2019**

1. The Revenue's appeal challenges the order of the Income Tax Appellate Tribunal [hereafter referred to as "ITAT") for the Assessment Year 2010-11. The ITAT held that the assessee (Section 25 Company) was correctly granted registration under Section 12A and was undertaking charitable objectives.

2. At the outset, this Court notices that an identical question with respect to permissibility of exemption was urged by the Revenue for a previous year - A.Y. 2009-10; this Court declined to entertain the appeal relying upon previous binding decisions. The operative portion of this Court's order dated 09.01.2018 [ITA 521/2017] is as follows:

"5. We notice that both the appellate authorities have concluded that the assessee's objects are charitable; it provides

basic services by way of domain name registration, for which, it charges subscription fee on annual basis and also collects connectivity charges. In addition, we notice that the assessee is the only nationally designated entity entitled to allocate domain names to its applicants who seek it in India. Apparently, it is also an affiliate national body of the ICAMM and authorized to assign ".in" registration and domain names in terms of Central Government's letter dated 20.11.2004. In that sense, the assessee (though not a statutory body) is carrying on regulatory work. It's case would therefore be a fortiori on a different footing than Chamber of Commerce, and other such trade bodies, set up not for profit basis but should have been held to be charitable organizations such as Bureau of Indian Standards, ICAI Accounting Research Foundation, etc. [Bureau of Indian Standards v. Director General of Income Tax (Exemption) 2012 TOIL 928 (Del); ICAI Accounting Research Foundation v. Director General of Income Tax (Exemption) 321 ITR 73 (Del)].

6. Having regard to these facts and the conclusions of the lower appellate authorities, no question of law arises. The appeal is therefore dismissed."

3. For the same reasons, no question of law arises.

4. The appeal is dismissed.

S. RAVINDRA BHAT, J

PRATEEK JALAN, J

FEBRUARY 12, 2019
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