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

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\+ **ITA 639/2019**

PR. COMMISSIONER OF INCOME TAX-2, DELHI ..... Appellant

Through: None.

versus

M/S CLIX FINANCE INDIA PVT. LTD. ..... Respondent

Through: Mr Sachit Jolly and Mr Aarush Bhatia, Advocates.

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE TALWANT SINGH

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

% **29.07.2019**

1. The office note has been perused. The corrected order shall read as under:

"**ITA 639/2019**

COMMISSIONER OF INCOME TAX .....Appellant

Through: Mr. Zoheb Hossain, Senior Standing Counsel for Revenue

Versus

CLIX FINANCE INDIA PVT. LTD ...... Respondent

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE TALWANT SINGH

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

% **16.07.2019**

<u>CM APPLs. 31437-31438/2019</u>

1. For the reasons explained in the applications, the delay in filing and re-filing the appeal is condoned and the applications

are allowed.

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2. The issue urged by the Revenue in the present appeal against the order dated 11th June 2018 passed by the Income Tax Appellate Tribunal (ITAT) in ITA No. 762/Del/2016 for the Assessment Year (AY) 2009-10 concerns the deletion by the ITAT of an addition of Rs. 28,67,29,284/- under Section 14A of the Income Tax Act, 1961 read with Rule 8D of the Income Tax Rules (Rules).

3. The ITAT set aside the addition made by the Assessing Officer (AO) on the ground that Assessee had not disclosed any expenditure incurred on earning the dividend income.

4. The fact of the matter is that in the present case, the AO appears to have made an addition which admittedly is in excess of the dividend income. This Court has in H T Media Ltd. v. Principal CIT, 399 ITR 576 (Del), in similar circumstances deleted such addition. In the facts and circumstances of the present case, on this issue, no substantial question of law arises.

5. The appeal is accordingly dismissed."

S. MURALIDHAR, J.

TALWANT SINGH, J.

JULY 29, 2019

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