IN THE HIGH COURT OF ORISSA AT CUTTACK

I.T.A. No.77 of 2018

Principal Commissioner of Income Tax-1, Bhubaneswar .... ***Appellant***

Mr. T.K. Satapathy, Sr. Standing Counsel

-versus-

The Berhampur Co-operative Central Bank Ltd. Berhampur .... ***Respondent***

CORAM:
THE CHIEF JUSTICE
JUSTICE R.K.PATTANAIK

ORDER
15.03.2022

Order No.

02. 1. This appeal by the Department against an order dated 1st February, 2018 passed by the Income Tax Appellate Tribunal, Cuttack Bench, Cuttack (ITAT) in ITA No.3/CTK/2017 for the Assessment Year (AY) 2012-13.

2. The question sought to be urged by the Revenue is whether the ITAT was justified in deleting the addition of Rs.3,74,04,464/- made by the Assessing Officer (AO) towards accrued interest on non performing assets of the assessee being a non-scheduled bank which was not in accordance with Section 43D of the Income Tax Act, 1961 (Act)?

3. A perusal of the impugned order of the ITAT reveals that it was merely following its own order in the case of ***Aska Coop. Central Bank Ltd. v. ACIT in ITA No.11/CTK/2017*** for the

same AY 2012-13 by order dated 18th January, 2018 on an identical issue.

4. With that being the case and with the Departmental counsel not being able to point out whether the Department has challenged in the said order, the Court finds no reason why it should interfere with the impugned order of the ITAT. No substantial question of law arises. The appeal is dismissed.

(Dr. S. Muralidhar)
Chief Justice

(R.K. Pattanaik)
Judge

KC Bisoi