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

\+ ITA 307/2022

PCIT, DELHI-7 ..... Appellant

Through: Mr.Puneet Rai, Sr.Standing Counsel for the Revenue.

versus

M/S PNB HOUSING FINANCE LTD ..... Respondent

Through:

% Date of Decision: 06th September, 2022

CORAM:
HON'BLE MR. JUSTICE MANMOHAN
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

JUDGMENT

MANMOHAN, J (Oral):

1. Present income tax appeal has been filed challenging the order dated 14th October, 2021 passed in ITA No.6352/Del./2018 for the Assessment Year 2015-16.

2. Learned counsel for the Appellant states that the ITAT has erred in deleting the disallowance made under Section 36(l)(viii) of the Income Tax Act, 1961 (‘the Act’) by not considering the total receipt of business for the purpose of working out proportion to be used for calculating the ratio for deduction under Section 36(1)(viii) of the Act. He further states that the ITAT has failed to appreciate that total business receipts and not any specific sector receipts is the relevant factor for arriving at the quantum of disallowance under Section 36(l)(viii) of the Act.

3. A perusal of the paper book reveals that that ITAT has in the impugned order relied upon the CIT(A) order in assessee's own case for the Assessment Years 1998-99 to 2012-13.

4. In response to a pointed query, learned counsel for the Appellant states that appeal for the Assessment Years 2010-11 and 2014-15 is pending and listed today. However, no appeal status could be found for other previous years. The Supreme Court in ***Principal Commissioner of Income Tax, New Delhi vs. Maruti Suzuki India Ltd., [2019] 107 taxmann.com 375 (SC)*** has held that Courts must promote the interest of certainty in tax litigation. According to the Apex Court, there is a significant value which must attach to observing the requirement of consistency and certainty. It further held that individual affairs are conducted and business decisions are made in the expectation of consistency, uniformity and certainty and to detract from those principles is neither expedient nor desirable.

5. Keeping in view the aforesaid, this Court is of the view that no substantial question of law arises for consideration in the present appeal. Accordingly, the same is dismissed.

MANMOHAN, J

MANMEET PRITAM SINGH ARORA, J

SEPTEMBER 06, 2022
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