HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

ITA-229-2019 (O&M)
Date of decision: 24.07.2023

Pr. Commissioner of Income Tax-1, Jalandhar ....Appellant

V/s.

M/s. Hoshiarpur Central Cooperative Bank Ltd., Hoshiarpur .....Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. Gauri Neo Rampal, Senior Standing Counsel for the appellant.

****

Ritu Bahri, J.

1. The revenue has come up in appeal against the order of Income Tax Appellate Tribunal, Amritsar Bench, Amritsar (hereinafter referred to as ‘the Tribunal’) passed in ITA No. 453(Asr)/2015 dated 04.12.2018, whereby appeal filed by the revenue against the order dated 01.06.2015, has been dismissed.

2. While dismissing the appeal of the revenue vide order dated 04.12.2018 (Annexure A-3), the Tribunal has referred order dated 16.07.2018 passed in ITA Nos. 348/Asr/2011 & 399/Asr/2011 by the Tribunal in the assessee’s own case for the AY 2008-09 wherein a similar issue was examined and it was held that the assessee bank shall maintain separate provision accounts for the two components. The assessee’s claim for deduction towards provision for bad and doubtful debts was allowed under Section 36(1)(viiia). The Tribunal, while dismissing appeal on 04.12.2018 (Annexure A-3), further observed that all write off of debts as bad and doubtful, i.e. in future, needless to add, would be by way of debit to the provision account, which is to be replenished, each year on the basis of

the parameters provided.

3. After hearing learned counsel for the appellant at length, this Court had perused the order of the Tribunal dated 04.12.2018 (Annexure A-3). While dismissing the appeal of the revenue, the Tribunal has held that the issue with respect to maintainability of the assessee's claim for provision of bad and doubtful debts, was covered by the Tribunal's order dated 16.07.2018 passed in ITA Nos. 348/Asr/2011 & 399/Asr/2011) in the assessee's own case for AY 2008-09. The Tribunal in its order dated 04.12.2018 (Annexure A-3) had affirmed the order passed by the assessing officer whereby the assessee's claim for bad and doubtful debts to the tune of Rs.340 lacs was allowed. Order dated 16.07.2018 was made basis to dismiss the appeal of revenue for the AY 2012-13 (Annexure A-2) by the Tribunal vide order dated 04.12.2018 (Annexure A-3) against which the present appeal has been filed.

4. Since learned counsel for the appellant has not been able to dispute the fact that the order dated 16.07.2018 for the AY 2008-09 has attained finality, there is no substantial question of law involved in the present appeal.

5. Hence, appeal is dismissed being devoid of any merit.

6. Pending application is disposed of.

(RITU BAHRI)
JUDGE

24.07.2023 **(MANISHA BATRA)**
Divyanshi **JUDGE**

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No