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

\+ ITA 21/2025, CM APPLs. 6778/2025 & 6779/2025

PR. COMMISSIONER OF INCOME TAX -7 .....Appellant
Through: Mr. Ruchir Bhatia, Senior Standing Counsel.

versus

URBAN LAND MANAGEMENT PVT LTD ...Respondent
Through: None.

% ***Date of Decision: 4th February, 2025***

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGEMENT

TUSHAR RAO GEDELA, J.: (ORAL)

CM APPL. 6778/2025 & CM APPL.6779/2025

1. Cause shown is sufficient. Accordingly, the applications are allowed. Delay of 28 days in filing the appeal and 16 days in re-filing the appeal is condoned.

2. The applications stand disposed of.

ITA 21/2025

3. The present appeal has been filed under Section 260A of the Income Tax Act, 1961 assailing the order dated 04.06.2024 passed by the Income Tax Appellate Tribunal (ITAT) in respect of the respondent/Assessee for the Assessment Year (AY) 2016-17.

4. At the outset, Mr. Ruchir Bhatia, learned senior standing counsel

appearing for the appellant/Revenue brings attention of this Court to Para 2 of the appeal wherein substantial questions of law have been framed by the appellant, which read thus:-

> *"2.1 Whether on the facts and circumstances of the case and in law, the Ld. IT AT erred in deleting the disallowance made under section 14A amounting to Rs.12,32,767/- on the ground that no exempt income has been claimed by the Assessee without appreciating that as per explanation to amended provision of section 14A inserted by Finance Act 2022 that the provision of this section shall apply and shall be deemed to have always applied in a case where the income not forming part of the total income under this Act, has not incurred or arisen or has not been received during the previous year relevant to an assessment year and the expenditure has been incurred during the said previous year in relation to such income not forming part of the total income?*
>
> *2.2 Whether on the facts and circumstances of the case and in law, the Ld. ITAT erred in deleting the addition of Rs.,8,98,98,3 88/- without appreciate the fact that the assessee has suppressed the revenue recognized adopting the wrong method for computation of percentage of project completion and booked project revenue @30% instead of 38.90% as correct computed by the Assessing officer on the basis of Architect's Certificate?*
>
> *2.3 Whether on the facts and circumstances of the case and in law, the Ld. ITAT erred in ignoring the fact that the Assessing officer has demonstrated and computed the percentage of project completion after adopting the correct method?"*

5. So far as Question 2.1 is concerned, Mr. Bhatia, learned senior standing counsel fairly states that the issue is no more *res integra* and has been decided against the appellant/Revenue by the judgement passed by a co-ordinate bench of this Court in ***Principal Commissioner of***

Income–tax (Central) vs. Era Infrastructure (India) Ltd., [2022] 141 taxmann.com 289.

6. So far as Question nos.2.2 and 2.3 are concerned, learned senior standing counsel very fairly states that these are based on facts and both the Commissioner of Income Tax (Appellate) [CIT(A)] and the ITAT have rendered concurrent findings on facts. Predicated thereon, he candidly submits that no substantial question of law is made out in the present appeal.

7. In view of the aforesaid, this Court is of the considered opinion that the present appeal is unmerited and is disposed of alongwith pending applications.

TUSHAR RAO GEDELA, J

DEVENDRA KUMAR UPADHYAYA, CJ

FEBRUARY 4, 2025/*rl*