IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF AUGUST, 2024

PRESENT

THE HON'BLE MR JUSTICE S.G.PANDIT

AND

THE HON'BLE MR JUSTICE C.M. POONACHA

INCOME TAX APPEAL No. 313 OF 2023

BETWEEN:

1. THE PR. COMMISSIONER OF INCOME- TAX
   5TH FLOOR BMTC BUILDING
   80 FEET ROAD, KORAMANGALA
   BENGALURU – 560 095.

2. THE ASSISTANT COMMISSIONER OF INCOME TAX CIRCLE
   7(1)(1), 2ND FLOOR
   BMTC BUILDING, 80 FEET ROAD
   KORAMANGALA
   BENGALURU – 560 095.

…APPELLANTS

(BY SRI SUSHAL TIWARI N, ADVOCATE)

AND:

Digitally signed by BHARATHI S
Location: HIGH COURT OF KARNATAKA

M/s. TRIANZ HOLDINGS PVT. LTD.,
No.165/2, 6TH FLOOR
KALYANI MAGNUM
DORAISANNIPALYA, IIM POST
BENNERGHATTA ROAD
BENGALURU – 560 076.
PAN: AAFCA 8051P.

…RESPONDENT

(BY SRI TANMAYEE RAJKUMAR, ADVOCATE)

THIS ITA IS FILED UNDER SECTION 260-A OF THE INCOME TAX ACT, 1961, PRAYING TO FORMULATE THE SUBSTANTIAL QUESTIONS OF LAW STATED ABOVE AND ALLOW THE APPEAL AND SET ASIDE THE ORDERS PASSED BY THE INCOME-TAX APPELLATE TRIBUNAL, BENGALURU IN IT(TP)A No.2639/BANG/2019 DATED 16.11.2021 FOR ASSESSMENT YEAR 2015-2016 ANNEXURE-D AND

CONFIRM THE ORDER OF THE DRP CONFIRMING THE ORDER PASSED BY THE ASST. COMMISSIONER OF INCOME-TAX, CIRCLE - 7(1)(1), BENGALURU AND ETC.,

THIS APPEAL COMING ON FOR FURTHER ORDERS THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE S.G.PANDIT
and
HON'BLE MR JUSTICE C.M. POONACHA

ORAL JUDGMENT

(PER: HON'BLE MR JUSTICE S.G.PANDIT)

1. Heard Sri Sushal Tiwari N., learned counsel appearing for the appellants and Smt. Tanmayee Rajkumr, learned counsel appearing for the respondent and perused the appeal papers.

2. With the consent of learned counsel appearing for the parties, the above appeal is taken up for final disposal.

3. Sri Sushal Tiwari N., learned counsel would submit that the appeal is filed raising the following substantial question of law:

> *"1. Whether the Tribunal was right in fact and in law in holding that where the assessee did not have exempt income, no disallowance could be made under Section 14A r.w.r 8D when the issue has not yet reached finality and matter is pending before the Apex Court."*

4. Learned counsel for respondent – Assesse would submit that the substantial question of law raised in the present appeal is already answered by a Co-ordinate Bench of this Court in ITA No.133/2015 disposed of on 15.02.2021.

5. Learned counsel for the appellant-Revenue is not in a position to dispute the same.

6. We have gone through the judgment of the Co-ordinate Bench dated 15.02.2021 in ITA No.133/2015.

7. The substantial question of law raised in the present appeal is squarely covered by the decision referred above. The appeal stands dismissed and the substantial question of law is answered in favour of Assessee against the Revenue.

Sd/-
(S.G.PANDIT)
JUDGE

Sd/-
(C.M. POONACHA)
JUDGE

BS List No.: 1 Sl No.: 7