

ITEM NO.33

COURT NO.11

SECTION XIV

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 2755/2019

(Arising out of impugned final judgment and order dated 16-02-2018 in ITA No. 197/2018 passed by the High Court Of Delhi At New Delhi)

PRINCIPAL COMMISSIONER OF INCOME TAX 18  
VERSUS

Petitioner(s)

M/S OIL INDUSTRY DEVELOPMENT BOARD

Respondent(s)

(FOR ADMISSION and I.R. and IA No.18849/2019-CONDONATION OF DELAY IN FILING)

Date : 08-02-2019 This petition was called on for hearing today.

CORAM : HON'BLE DR. JUSTICE D.Y. CHANDRACHUD  
HON'BLE MR. JUSTICE HEMANT GUPTA

For Petitioner(s)

Ms. Vibha Dutta Makhija, Sr. Adv.  
Ms. Meenakshi Grover, Adv.  
Ms. Seema Bengani, Adv.  
Praveen, Adv.  
Mr. Anas Zaidi, Adv.  
Mr. T.C. Jirwa, Adv.  
Mrs. Anil Katiyar, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

Delay condoned.

In view of the decision of this Court in Commissioner of Income Tax 5, Mumbai vs. Essar Teleholdings Ltd. through its Manager (2018) 3 SCC 253, we see no reason to entertain this special leave petition under Article 136 of the Constitution of India.

The special leave petition is, accordingly, dismissed.

Pending application(s), if any, shall stand disposed of.

(MANISH SETHI)  
COURT MASTER (SH)

(SAROJ KUMARI GAUR)  
BRANCH OFFICER

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

+ ITA 197/2018

PR COMMISSIONER OF INCOME TAX- 18 ..... Appellant  
Through: Mr. Zoheb Hossain, Sr. Standing  
Counsel.

versus

OIL INDUSTRIES DEVELOPMENT BOARD ..... Respondent  
Through:

**CORAM:**

**HON'BLE MR. JUSTICE S. RAVINDRA BHAT**

**HON'BLE MR. JUSTICE A. K. CHAWLA**

**ORDER**

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**16.02.2018**

The Revenue's appeal challenges an order of the Income Tax Appellate Tribunal (ITAT) which had set aside the disallowance of ₹1,62,49,000/- under Section 14A of the Income Tax Act, 1961 (hereinafter referred to as 'the Act').

The Assessing Officer (AO) and later the CIT (A) made the disallowance by taking into account only the investment patterns of the assessee for the concerned assessment.

The ITAT relied upon the ruling of this Court in *Cheminvest Limited vs. Commissioner of Income Tax-VI*, (2015) 378 ITR 33 which ruled in the absence of any exempt income, disallowance under Section 14-A of the Act of any amount was not permissible. Since the decision in *Cheminvest Limited* (supra) was followed, there is no substantial question of law that requires consideration.

The appeal is therefore dismissed.

**S. RAVINDRA BHAT, J**

**A. K. CHAWLA, J**

**FEBRUARY 16, 2018**

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