

आयकर अपीलिय अधीकरण, न्यायपीठ – “ B ”, कोलकाता,  
IN THE INCOME TAX APPELLATE TRIBUNAL, BENCH- “B” CALCUTTA  
(समक्ष)Before श्री प्रमोद कुमार, लेखा सदस्य एवं/and  
Shri Pramod Kumar, Accountant Member  
श्री जॉर्ज मथान, न्यायीक सदस्य  
Shri George Mathan, Judicial Member  
आयकर अपील संख्या / ITA No. 1421/Kol/2011

निर्धारण वर्ष/Assessment Year: 2006-07

D.C.I.T,Circle-12, Kolkata	- वनाम -	M/s. Sky B (Bangla) Pvt. Ltd PAN:AAHCS 0749Q
(अपीलार्थी/APPELLANT )	-Versus-	(प्रत्यर्थी/RESPONDENT)

अपीलार्थी के लिए /For the Appellant श्री/Shri D.J. Mehta, Id.CIT/DR  
प्रत्यर्थी के लिए/For the Respondent: श्री/Shri M.Satnaliwala, FCA, Id.AR

सुनवाई की तारीख/Date of Hearing : 19-06-2012

घोषणा की तारीख/Date of Pronouncement: 19-06-2012

**आदेश/ORDER**

श्री जॉर्ज मथान, न्यायीक सदस्य  
Shri George Mathan, Judicial Member

This is an appeal filed by the revenue against order of the learned Commissioner of Income-tax (Appeals), XII, Kolkata in appeal no. 204/XII/Cir-12/08-09 dated 01-07-2011 for the assessment year 2006-07.

2. In this revenue's appeal, the revenue has raised following grounds of appeal :-

1. *On the facts and in the circumstances of the case, the CIT(A) has erred in deleting the addition of Rs. 17,32,492/- towards provision of sundry debtors debited in P & L A/c.*
2. *Whether, on the facts & in the circumstances of the case, Ld. CIT(A) is correct in deleting the disallowance of Provision of bad debt of Rs.25,00,000/- where the assessee added back of Rs.25,00,000/- as Provision of Sundry debtor not provision of bad debt.*
3. *On the facts and in the circumstances of the case, the CIT(A) has erred in deleting disallowance of Rs.22,85,876/-on account of bad debt written off without bringing any evidence of commercial expediency of the assessee. “*

3. Shri D.J. Mehta, learned CIT/DR represented on behalf of the revenue and Shri M.Satnaliwala, FCA, learned AR represented on behalf of the assessee.

4. It was submitted by the learned CIT/DR that the only issue in this revenue's appeal was against the action of the learned Commissioner of Income-tax (Appeals) in deleting the disallowance of bad debts. It was submitted that no commercial expediency has been seen by the learned Commissioner of Income-tax (Appeals) before deleting the disallowance of bad debts. He vehemently supported the order of the Assessing Officer.

5. In reply, Shri M.Satnaliwala, FCA, learned AR submitted that the ratio was covered by the decision of the Hon'ble Bombay High Court in the case of Director of Income-tax (International Taxation) Vs. Oman International Bank reported in (2009) 313 ITR 128 (Bombay). It was submitted that the assessee had written off bad debt in the books and in view of amendment of section 36(1)(vii) of the I.T. Act 1961 the bad debt, which has been written off was liable to be allowed.

6. We have considered the rival submissions. A perusal of the order of the learned Commissioner of Income-tax (Appeals) clearly shows that the assessee had written off bad debt in the books. Further, it is noticed that the Learned Commissioner of Income-tax (Appeals) had followed the decision of the Hon'ble Bombay High Court in the case of Director of Income-tax (International Taxation) Vs. Oman International Bank (refer to supra) on this issue. The finding of the learned Commissioner of Income-tax (Appeals) that the bad debt written off in the books has not been disputed by the revenue. In the circumstances, the finding of the learned Commissioner of Income-tax (Appeals) on this issue is on right footing and does not call for any interference. In the circumstances, the appeal of the revenue stands dismissed.

7. In the result, the appeal of the revenue stands dismissed

यह आदेश खुले न्यायालय में सुनाया गया है

THIS ORDER IS PRONOUNCED IN OPEN COURT ON Dt 19-06-2012

Sd/-

Sd/-

( प्रमोद कुमार, लेखा सदस्य )

( जॉर्ज मथान, न्यायीक सदस्य )

(Pramod Kumar, Accountant Member)

(George Mathan, Judicial Member)

**(तारीख)** Date 19-06-2012

\*PP/SPSआदेश की प्रतिलिपि अग्रेषित:/ Copy of the order forwarded to:

- 1.. अपीलार्थी / The Appellant : DCIT, Circle-12, Aaykar Bhawan, 7<sup>th</sup> Fl., P-7, Chowringhee Sq., Kol-69.
- 2 प्रत्यर्थी / The Respondent- M/s. Sky B (Bangla) Pvt. Ltd. 225, A.J.C Bose Road, Kol-20
- 3 आयकर कमिशनर/The CIT,

- 4.. आयकर कमिशनर (अपील)/The CIT(A)
5. वभागिय प्रतिनीधी / DR, Kolkata Bench
6. Guard file.

सत्यापित प्रति/True Copy, आदेशानुसार/ By order,

सहायक पंजीकार/Asstt Registrar