

**15 & 16 #****% 17.01.2011**

Present: Ms. Prem Lata Bansal, Advocate for the appellant in ITA No. 530/2009.
Mr. Randhan, proxy Advocate for the appellant in ITA No. 1408/2010
Dr. Rakesh Gupta, Mr. Poonam Ahuja and Ms. Rani Gupta, Advocates for the respondent.

(Common Order)**+ITA Nos. 530/2009 and 1408/2010**

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In both these appeals the facts are identical. The Assessing Officer had allowed deductions to the assessee, both under Sections 80HHC and 80 IB without releasing the amount held in respect of which deduction was allowed under Section 80IB of the Income Tax Act. Thereafter, however, the Assessing Officer invoked the provisions of Section 154 of this Act and rectified his order observing that the deduction under Section 80 IB was wrongly computed, inasmuch as, the deduction as allowed under Section 80 IB has to be reduced.

These orders were quashed by the Income Tax Appellate Tribunal by impugned order on the ground that there is no such power of rectification under Section 154 of the Act, as the deduction made under Section 80 IB is to be reduced while computing the 80IB deductions and it could not fall within the scope and ambit of Section 154 of the Act. The aforesaid reason given by the Tribunal is perfectly justified.



Having regard to the fact that there were different decisions rendered by different Tribunals in the interpretation of the aforesaid Section, we thus find that no question of law arises for consideration.

The present appeal stands dismissed.


A.K. SIKRI, J.


M.L. MEHTA, J.

JANUARY 17, 2011

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