



\$~7 & 8

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

+ ITA 690/2011

+ ITA 700/2011

COMMISSIONER OF INCOME TAX DELHI-III Appellant
Through: Mr.Sanjeev Rajpal, Advocate.

versus

SUNRAYS PROPERTIES& INVESTMENT CO PVT LTD
..... Respondent
Through: Mr.Manu K. Giri, Advocate.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE R.V.EASWAR

ORDER

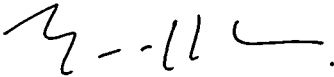
% **23.05.2012**

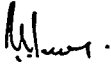
Learned counsel for the respondent-assessee who appears on advance notice states that the Assessing Officer has already complied with the order passed by the Tribunal ^{but - 2-} ~~and~~ has repeated the disallowance made under Section 14A of the Income Tax Act, 1961. He submits that the assessee has already preferred an appeal which is pending before the Appellate Authority. We notice that the question of law has already been answered by this Court in the case of *Maxopp Investment Ltd. vs. CIT (2002) 247 CTR(Del) 162*. It has been held that the Rule 8D is not retrospective and will apply from



assessment year 2008-2009 onwards and is not applicable to the assessment years in question.

In view of the aforesaid decision, we do not see any reason to entertain the present appeals and the same are dismissed.


SANJIV KHANNA, J


R.V.EASWAR, J

MAY 23, 2012
Bisht