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

+ **ITA 177/2021 & CM APPL. 45987/2021**

PRINCIPAL COMMISSIONER OF INCOME TAX (CENTRAL) –  
3 ..... Appellant

Through: Ms.Vibhooti Malhotra, Advocate.

versus

KRISHAK BHARATI CO-OPERATIVE LTD ..... Respondent

Through

% Date of Decision: 20<sup>th</sup> December, 2021

**CORAM:**

**HON'BLE MR. JUSTICE MANMOHAN**

**HON'BLE MR. JUSTICE NAVIN CHAWLA**

### **J U D G M E N T**

**MANMOHAN, J (Oral):**

1. Present appeal has been filed challenging the order dated 20<sup>th</sup> January, 2020 passed by ITAT in ITA No 1471/Del/2017.
2. Learned counsel for the appellant submits that the ITAT has erred in not considering that the Revenue has filed SLP before the Supreme Court of India against the order passed by this Court in ITA 578/2016. She states that the Tribunal further erred in holding that the dividend income was taxable but exempted under Omani Law and entitled the assessee to the benefits of Indo Oman DTAA. She states that the provisions of Income Tax Act, 1961 as well as Indo Oman DTAA were wrongly interpreted by the Tribunal.



3. A perusal of the paper book reveals that the issues raised in the present appeal are no longer *res integra*, as the Coordinate Bench in ITA 578/2016 has dismissed the revenue's appeal on similar grounds.

4. Admittedly, there is no stay of the judgment and order passed by the Coordinate Bench in ITA 578/2016.

5. Accordingly, the present appeal along with pending application is dismissed in view of the judgment passed by the Coordinate Bench in ITA 578/2016.

**MANMOHAN, J**

**NAVIN CHAWLA, J**

**DECEMBER 20, 2021**  
**TS**

सत्यमेव जयते