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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **ITA 592/2023**

PR. COMMISSIONER OF INCOME TAX -7 Appellant

Through: Mr Puneet Rai, Sr Standing Counsel
with Mr Ashvini Kumar and Mr
Rishabh Nangia, Advs.

versus

ORIENTAL BANK OF COMMERCE (NOW MERGED WITH
PUNJAB NATIONAL BANK LTD) Respondent

Through: Mr Rajat Navet, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

% **20.10.2023**

[Physical Hearing/Hybrid Hearing (as per request)]

CM Appl. 55111/2023 [Application moved on behalf of the
appellant/revenue seeking condonation of delay of 470 days in re-filing
the appeal]

1. This is an application moved on behalf of the appellant/revenue,
seeking condonation of delay in re-filing the appeal.

1.1 According to the appellant/revenue, there is a delay of four hundred
and seventy (470) days.

2. Mr Rajat Navet, counsel who appears on behalf of the
respondent/assessee, says that since the appeal is taken up for final hearing,
he does not oppose the prayer made in the application.

3. Accordingly, the delay is condoned.

4. The application is disposed of, in the aforesaid terms.

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5. This writ petition concerns Assessment Year (AY) 2013-14.

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6. Via the instant appeal, the appellant/revenue seeks to assail the order dated 27.08.2021 passed by the Income Tax Appellate Tribunal [in short, “Tribunal”].

7. A perusal of the appeal shows that the following question of law is proposed for consideration by this court:

“A. Whether on the facts and circumstances of the case and in law Hon’ble ITAT as well as CIT(A) erred in deleting the addition on account of disallowance of interest on overdue deposits of Rs.18,00,00,000 by ignoring the fact that the assessee itself mentioned that there is a change in the accounting policy as guided by the RBI and the liability so created was not crystallized but a provision was created on the basis that an amount of saving rate of interest will be paid to the customers as per the RBI guidelines?”

5. Mr Puneet Rai, learned senior standing counsel, who appears on behalf of the appellant/revenue, does not dispute the fact that the said proposed question of law, amongst others, was the subject matter of a bunch of appeals, concerning the respondent/assessee, and is covered by the judgment dated 13.09.2023, the lead appeal being ITA 521/2023, titled ***Pr. Commissioner of Income Tax vs. Oriental Bank of Commerce (now merged with Punjab National Bank Ltd)***.

6. Having regard to the same, according to us, no substantial question of law arises for consideration by this court. The appeal is, accordingly, closed.

RAJIV SHAKDHER, J

GIRISH KATHPALIA, J

OCTOBER 20, 2023/pmc

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[Click here to check corrigendum, if any](#)

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