

आयकर अपीलिय अधिकरण, जयपुर न्यायपीठ, जयपुर
IN THE INCOME TAX APPELLATE TRIBUNAL,
JAIPUR BENCHES (SMC), JAIPUR

श्री भागचन्द, लेखा सदस्य के समक्ष
BEFORE: SHRI BHAGCHAND, ACCOUNTANT MEMBER

आयकर अपील सं./ITA No. 3/JP/2017
निर्धारण वर्ष/Assessment Year : 2012-13

Shri Ramesh Nagpal Prop. M/s. Saraswati Trading Co. Cinema Road, Ajmer	बनाम Vs.	The ITO Ward- 1(2) Ajmer
स्थायी लेखा सं./जीआईआर सं./PAN/GIR No.: AAOPN 7587 M		
अपीलार्थी / Appellant		प्रत्यर्थी / Respondent

निर्धारिती की ओर से / Assessee by: Written Submission
राजस्व की ओर से / Revenue by : Smt. Poonam Rai, DCIT- DR

सुनवाई की तारीख / Date of Hearing : 13/09/2017
घोषणा की तारीख / Date of Pronouncement : 6/10/2017

आदेश / ORDER

PER BHAGCHAND, AM

The assessee has filed an appeal against the order of the Id. CIT(A), Ajmer dated 18-10-2016 for the assessment year 2012-13 raising therein following grounds:-

- (i) In the facts & circumstances of the case, the Id. CIT(A), Ajmer has erred in not deleting the addition of Rs. 62,865/- u/s 14A wrongly invoking by the AO in the said section and incorrect calculation under rule 8 which is against law and natural justice and required to be deleted.
- (ii) In the facts & circumstances of the case, the Id. CIT(A), Ajmer has erred in not deleting the addition of Rs. 2,12,136/- under the head income from other sources made by the AO and the addition is unlawful, against the spirit of law and natural justice and the same is required to be deleted.

2.1 During the course of hearing, none appeared on behalf of the assessee. However, the written submission has been sent by the assessee through registered post which has been taken into consideration while adjudicating upon the grounds of appeal of the assessee.

3.1 Apropos Ground No. 1 and 2 of the assessee, the facts as emerges from the order of the Id. CIT(A) is as under:-

“4.2 I have gone through the grounds of appeal, statements of facts and assessment order carefully. The appellant has not brought any evidence to show that the observation made by the AO in the assessment order while disallowing sum of Rs. 62,865/- u/s 14A and Rs. 2,12,136/- in respect of the interest paid on the funds not utilized for business purposes are wrong or inaccurate in any manner. The order passed by the AO is in accordance with the provisions of law.

Accordingly, both the disallowance made by the AO are confirmed.

3.2 During the course of hearing, the Id. DR relied on the orders of the authorities below

3.3 After hearing the Id. DR and perusing the materials available on record including the written submission of the assessee, it is noted from the order of the Id. CIT(A) that the assessee had not brought any evidence before the Id. CIT(A) against the observation of the AO as to disallowance of Rs. 62,865/- u/s 14A and Rs. 2,12,136/- of interest paid on the funds not utilized for business purposes. However, the assessee has filed the written submission alongwith relevant papers like balance Sheet of A.Y. 2012-013, 2011,012, Leger Account of shares of A.Y. 2012-13 and Ledger account of Mutual Fund of A.Y. 2012-13 before the Bench

rebutting the additions sustained by the Id. CIT(A) amounting to Rs. 62,865/- u/s 14A of the Act and Rs. 2,12,136/-. Looking to the present facts, circumstances of the case and the written submissions of the assessee, it will be in the interest of equity and justice to restore the issues raised by the assessee to the file of the Id. CIT(A) to decide it afresh by providing reasonable opportunity of being heard to the assessee. The assessee is directed to submit the above papers before the Id. CIT(A) as submitted before the bench through written submission to adjudicate upon the issues. Thus the appeal of the assessee is allowed for statistical purposes.

4.0 In the result, the appeal of the assessee is allowed for statistical purposes.

Order pronounced in the open court on 6 /10/2017.

Sd/-
(भागचन्द)
(Bhagchand)
लेखा सदस्य / Accountant Member

जयपुर / Jaipur
दिनांक / Dated:-
*Mishra

6 /10/ 2017

आदेश की प्रतिलिपि अग्रेषित / Copy of the order forwarded to:

1. अपीलार्थी / The Appellant- Shri Ramesh Nagpal, Ajmer
2. प्रत्यर्थी / The Respondent- The ITO, Ward- 1(2), Ajmer
3. आयकर आयुक्त(अपील) / CIT(A).
4. आयकर आयुक्त / CIT,
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, जयपुर / DR, ITAT, Jaipur
6. गार्ड फाईल / Guard File (ITA No. 3/JP/2017)

आदेशानुसार / By order,

सहायक पंजीकार / Assistant. Registrar