



**IN THE INCOME TAX APPELLATE TRIBUNAL,
CUTTACK BENCH, CUTTACK**

**BEFORE S/SHRI N.S SAINI, ACCOUNTANT MEMBER
AND PAVAN KUMAR GADALE, JUDICIAL MEMBER**

ITA No.244/CTK/2017
Assessment Year : 2010-2011

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| ACIT, Corporate Circle - 1(2), Bhubaneswar. | Vs. | N.K.Bhojani Pvt Ltd., Plot No.52-A, 42, 43 & 44, Mancheswar Industrial Estate, Bhubaneswar |
| PAN/GIR No.AAACN 6090 N | | |
| (Appellant) | .. | (Respondent) |

Assessee by : Shri Bibekanand Mohanty, AR
Revenue by : Shri Sood Kidwai, CIT DR

Date of Hearing : 30 /01/ 2018
Date of Pronouncement : 30 /01/ 2018

ORDER

Per Pavan Kumar Gadale, JM

This is an appeal filed by the Revenue against the order of the CIT(A)-1, Bhubaneswar dated 24.3.2017 for the assessment year 2010-2011.

2. Following grounds of appeal are raised by the Revenue:

"1. On the facts and in the circumstances of the case, the Ld. CIT (A) is not justified in law as well as on facts in deleting addition of Rs. 6,11,91,779/- by way of disallowance of double deduction of expenses incurred on cost of stock in trade.

2. On the facts and in the circumstances of the case, the Ld. CIT (A) is not justified in law as well, as on facts in deleting addition of Rs. 18,11,820/-towards short disclosure of finished goods (Iron ore fines).



6. Before us, Id D.R. submitted that the CIT(A) has deleted the additions on the basis of materials filed by the assessee before him, which were not furnished during the assessment proceedings. Therefore, the order of the CIT(A) is not sustainable in the eye of law.

7. Contra, Id A.R. of the assessee supported the order of the CIT(A).

8. We have heard the rival submissions, perused the orders of lower authorities and materials available on record. The Id D.R.'s contention that the assessee has filed written submissions and all material evidences before the CIT(A) and the CIT(A) should have called a Remand Report from the Assessing Officer on the specific issues. Whereas Id A.R. submitted that the CIT(A) has considered the information which was also filed before the Assessing Officer during the course of assessment proceedings and the Assessing Officer has not given specific findings except making additions. We found that the assessee has given written submissions in the appellate proceedings substantiating the grounds on the claim of double deduction on cost of stock in trade, shortage of finished goods, shortage of closing stock and coal fines. The Assessing Officer has made a detailed observation on the disputed issues and the CIT(A) after considering the findings of the Assessing Officer and the submissions has unilaterally dealt on the additions and granted relief. The contention of Id A.R. that there is no new evidence filed whereas Id D.R. supported the order of the Assessing Officer and submitted that the CIT(A) should have called for the comments of the Assessing Officer on