

IN THE INCOME TAX APPELLATE TRIBUNAL
RANCHI BENCH (SMC), RANCHI

[Before Hon'ble Shri J. Sudhakar Reddy]

I.T.A. No. 296/Ran/2016
Assessment Year : 2013-14

Shant Kumar Bathwal.....Appellant

**S.K. Bathwal & Company,
301, Shrilok Complex,
4, H.B. Road,
Ranchi – 834 001.
[PAN: ACCPB 1599 B]**

ACIT CIR 3.....Respondent

**Revenue Building,
Main Road,
Ranchi.**

Appearances by:

Shri S.K. Bathwal, Advocate appearing on behalf of the Assessee.

Shri P.K. Mondal appearing on behalf of the Revenue.

Date of concluding the hearing : February 22, 2018

Date of pronouncing the order : February 28, 2018

ORDER

Per J. Sudhakar Reddy, AM

This is an appeal filed by the assessee directed against the order of CIT (Appeals) Ranchi dated 30.09.2016 for the assessment year 2013-14.

2. After hearing rival contentions, I find that the Assessing Officer made a disallowance under section 40(a)(ia) of the Act. The case of the assessee is that the expenditure in question was claimed under section 57 and hence the computation of income under the head 'income from business' provisions under the head business of provision i.e. section 28 to 44 of the Act do not applying to the facts of the case. We agree with the proposition. Section 40(a)(ia) cannot be

applied to a claim of deduction u/s 57 of the Act. Thus this ground of the assessee is allowed and the disallowance deleted.

3. In the result, the appeal of the assessee is allowed.

Order Pronounced in the Open Court on 28th February, 2018.

Sd/-
(J. Sudhakar Reddy)
ACCOUNTANT MEMBER

Dated: 28/02/2018

Biswajit, Sr. PS

Copy of order forwarded to:

1. Shant Kumar Bathwal, S.K. Bathwal & Company, 301, Shrilok Complex, 4, H.B. Road, Ranchi – 834 001.
2. ACIT, CIR 3, Revenue Building, Main Road, Ranchi.
3. The CIT(A)
4. The CIT
5. DR

True Copy,

By order,

Sr. P.S. / H.O.O.
ITAT, Ranchi