

आयकर, अपीलिय अधिकरण राजकोट न्यायपीठ ।

**IN THE INCOME TAX APPELLATE TRIBUNAL, RAJKOT
[Conducted through "E" Court at Ahmedabad]**

**BEFORE SHRI RAJPAL YADAV, JUDICIAL MEMBER
AND
SHRI AMARJIT SINGH, ACCOUNTANT MEMBER**

आयकर अपील सं./ITA.No.622/RJT/2014

Asstt.Year 2010-2011

Shubham Ginning Pressing P.Ltd. Geeta Nagar Atkot Road Jasdan 360 050.	Vs	The CIT-II Rajkot.
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अपीलार्थी/ (Appellant)		प्रत्यर्थी/ (Respondent)
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Assessee by :	Shri M.J. Ranpura, AR
Revenue by :	Shri Jitendra Kumar, CIT-DR

सुनवाई की तारीख/Date of Hearing : 07/12/2017

घोषणा की तारीख /Date of Pronouncement: 01 /03/2018

आदेश/O R D E R

PER RAJPAL YADAV, JUDICIAL MEMBER:

Present appeal is directed at the instance of the assessee against order of Id.CIT-II, Rajkot dated 1.9.2014 passed under section 263 of Income Tax Act, 1961.

2. Though the assessee has taken four grounds of appeal, its grievance revolves around a single issue viz. the Id.CIT(A) has erred in taking cognizance under section 263 of the Act and setting aside assessment order for framing fresh assessment order after examining all issues.

3. It is pertinent to note that the assessment order under section 143(3) was passed in the case of assessee for the asstt.year 2010-11 on 25.3.2013.

Thereafter, the Id.CIT took cognizance under section 263 and observed that the case of the assessee was selected for scrutiny after approval of CCIT for verifying fresh “unsecured loan” and “share capital” received in this year. These issues have not been examined by the AO thoroughly, therefore, he issued a detailed show cause notice running in to 5 pages on 15.10.2013. After hearing the assessee, the Id.Commissioner has set aside original assessment order and directed the AO to frame fresh assessment order after considering all these issues. The Id.AO has passed an assessment order on 3.11.2015 under section 143(3) r.w.s. 263 of the Act. He has examined issues of share capital as well as other issues. Total income has been determined at Rs.12,22,010/- as against returned income of Rs.1,22,010/-. The Id.CIT directed the AO to examine unsecured loan of Rs.98,83,700/- received from traders. It appears that both these issues have been examined by the AO and he partly accepted the stand of the assessee. Dissatisfied with the assessment order passed under section 143(3) r.w.s. 263, the assessee carried the matter in appeal before the Id.CIT(A). The Id.CIT(A) has deleted the addition made by the AO vide order dated 1.9.2017. Thus all grievances of the assessee have been redressed by the Id.CIT(A).

4. Considering the above developments, we are of the view that this appeal deserves to be dismissed because in pursuance of the impugned order passed under section 263 the AO has framed assessment. He has not made much additions as discussed in 263-order as well as in the show cause notice. Thereafter, grievance of the assessee has been redressed by the Id.CIT(A). Technically, this appeal is redundant and only an academic exercise would be there to adjudicate it. Therefore, we do not deem it necessary to go through

various contentions of the assessee and confirm the order passed by the ld.Commissioner. Accordingly, appeal of the assessee is dismissed.

5. In the result, appeal of the assessee is dismissed.

Order pronounced in the Court on 1st March, 2018 at Ahmedabad.

**Sd/-
(AMARJIT SINGH)
ACCOUNTANT MEMBER**

**Sd/-
(RAJPAL YADAV)
JUDICIAL MEMBER**

Ahmedabad; Dated 01/03/2018