

आयकर अपीलीय अधिकरण, 'सी' न्यायपीठ, चेन्नई

IN THE INCOME TAX APPELLATE TRIBUNAL
'C' BENCH, CHENNAI

श्री एन.आर.एस. गणेशन, न्यायिक सदस्य एवं
श्री ए. मोहन अलंकामणी, लेखा सदस्य केसमक्ष

BEFORE SHRI N.R.S. GANESAN, JUDICIAL MEMBER AND
SHRI A. MOHAN ALANKAMONY, ACCOUNTANT MEMBER

आयकर अपील सं./ITA No.2598/Chny/2017

निर्धारण वर्ष / Assessment Year : 2014-15

M/s Questnet Enterprises India
Pvt. Ltd.,
C/o S. Venkatram & Co.,
Chartered Accountants, 2nd floor,
218, T.T.K. Road, Chennai - 600 018.

v. The Income Tax Officer,
Corporate Ward 5(3),
Chennai - 600 034.

PAN : AAACQ 1177 H
(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से/Appellant by : Shri G. Seetharaman, CA
प्रत्यर्थी की ओर से/Respondent by : Shri B. Sahadevan, JCIT

सुनवाई की तारीख/Date of Hearing : 14.02.2018

घोषणा की तारीख/Date of Pronouncement : 28.02.2018

आदेश /O R D E R

PER N.R.S. GANESAN, JUDICIAL MEMBER:

This appeal of the assessee is directed against the order of the Commissioner of Income Tax (Appeals) -3, Chennai, dated 29.09.2017 and pertains to assessment year 2014-15.

2. The assessee has raised two issues in this appeal. The first issue raised is with regard to differential duty and interest on differential duty to the extent of ₹ 21,42,227/- and the second issue is with regard to disallowance made under Section 14A of the Income-tax Act, 1961 (in short 'the Act').

3. Shri G. Seetharaman, the Ld. representative for the assessee, submitted that the customs duty was paid to the Customs Department by way of demand draft. Moreover, there was no investment during the year under consideration. The Ld. representative placed his reliance on the order of this Tribunal in the assessee's own case in I.T.A. No.2031/Mds/2017 and submitted that earlier these issues were remitted back to the file of the Assessing Officer.

4. We heard Shri B. Sahadevan, the Ld. Departmental Representative also. With regard to expenditure made on the payment of differential duty, this Tribunal is of the considered opinion that the matter can be examined by the Assessing Officer on the basis of the receipt issued by the Customs Department for payment of customs duty. Even otherwise, the Assessing Officer can get the details of payment from the Customs authorities.

Therefore, the matter is remitted back to the file of the Assessing Officer for re-examination.

5. With regard to the disallowance made under Section 14A of the Act, the assessee claims that there was no investment during the year under consideration and there was no expenditure in respect of the dividend income. The fact remains that the assessee has received dividend income, therefore, the expenditure has to be computed under Rule 8D of the Income-tax Rules, 1962. Therefore, the disallowance under Section 14A of the Act is also remitted back to the file of the Assessing Officer for re-examination.

6. In the result, the appeal filed by the assessee is allowed for statistical purposes.

Order pronounced on 28th February, 2018 at Chennai.

sd/-
(ए. मोहन अलंकामणी)
(A. Mohan Alankamony)
लेखा सदस्य/Accountant Member

sd/-
(एन.आर.एस. गणेशन)
(N.R.S. Ganesan)
न्यायिक सदस्य/Judicial Member

चेन्नई/Chennai,
दिनांक/Dated, the 28th February, 2018.

Kri.

आदेश की प्रतिलिपि अग्रेषित/Copy to:

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकर आयुक्त (अपील)/CIT(A)-3, Chennai
4. Principal CIT-5, Chennai.
5. विभागीय प्रतिनिधि/DR
6. गार्ड फाईल/GF.