

आयकर अपीलीय अधिकरण "ए" न्यायपीठ पुणे में ।
IN THE INCOME TAX APPELLATE TRIBUNAL "A" BENCH, PUNE

श्री डी. करुणाकरा राव,लेखा सदस्य, एवं श्री विकास अवस्थी, न्यायिक सदस्य के समक्ष
BEFORE SHRI D. KARUNAKARA RAO, AM AND SHRI VIKAS AWASTHY, JM

आयकर अपील सं. / ITA Nos. 2126 & 2127/PUN/2014

निर्धारण वर्ष / Assessment Years: 2006-07 & 2007-08

The Income Tax Officer,
Ward 14(2), Pune.

.....अपीलार्थी / Appellant

बनाम / V/s.

Sanmitra Sahkari Bank Ltd.
200, Dangmali Ali,
Hadapsar, Pune-411 028.
PAN : AAAAS0810P

.....प्रत्यर्थी / Respondent

Revenue by : Shri Sanjeev Ghei

Assessee by : Shri Sunil Ganoo

सुनवाई की तारीख / Date of Hearing : 20.08.2018

घोषणा की तारीख / Date of Pronouncement : 20.08.2018

आदेश / ORDER

PER VIKAS AWASTHY, JM

These two appeals by the Department in ITA No.2126/PUN/2014 for the assessment year 2006-07 and ITA No.2127/PUN/2014 for the assessment year 2007-08 are directed against the order of Commissioner of Income Tax (Appeals)-III, Pune dated 22.09.2014 common for both the aforementioned assessment years.

2. The Id. DR has filed a letter dated 01.08.2018 from the Pr. Commissioner of Income Tax-6, Pune to withdraw both the above mentioned appeals. A perusal of the letter dated 01.08.2018 (supra) shows that on the report from

Deputy Commissioner of Income Tax, Circle-14, Pune dated 25.05.2018, the Pr. Commissioner of Income Tax-6 has prayed for withdrawal of the appeals as not pressed. The relevant extract of the Assessing Officer's comment citing reasons for withdrawal of the appeals are reproduced herein below:

"06. AO's Comments:

On perusal of the case records for the A.Y.2005-06 to 2007-08, it is seen that the provision of Rs.3,77,42,186/- inclusive of BDDR provision of Rs.3,65,42,186/- debited to the Profit and Loss account has been added back to the computation of total income therefore it is clear that the closing balance in BDDR reserves as on 31.03.2005 was Rs.5,49,63,377/-. Further, the assessee received back the bad debts which was already added back to the computation of income in earlier A.Y.2005-06 of Rs.1,15,89,197/- and 29,49,101/- for the A.Ys.2006-07 & 2007-08 respectively. For the sake of clarity, the details of provision made on account of BDDR and provision written back in the account are produced as under:

Year ending on	A.Y	Opening Balance	Debited to P & L A/c	Closing Balance
31.03.2004	2004-05	13362900	5058290	18421191
31.03.2005	2005-06	18421191	36542186	54963377
31.03.2006	2006-07	54963377	-11589197	43374180
31.03.2007	2007-08	43374180	-2949101	40425079

In view of the above, the deduction of Rs.1,15,89,197/- claimed by the assessee under the head of provision made for bad debts vide its revised return is found to be correct."

Thus, in view of the letter from the Pr. Commissioner of Income Tax, both the appeals of the Revenue are dismissed as withdrawn.

3. In the result, appeals of the Revenue are dismissed as withdrawn.

Order pronounced in open Court on Monday, the 20th day of August, 2018.

Sd/-
(**डी. करुणाकरा राव**/D. KARUNAKARA RAO)
लेखा सदस्य/ACCOUNTANT MEMBER

Sd/-
(**विकास अवस्थी** /VIKAS AWASTHY)
न्यायिक सदस्य/JUDICIAL MEMBER

पुणे / Pune; दिनांक / Dated : 20th August, 2018

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

1. अपीलार्थी / The Appellant.
2. प्रत्यर्थी / The Respondent.
3. The CIT (Appeals)-III, Pune.
4. The CIT-III, Pune.
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, "ए" बेंच,
पुणे / DR, ITAT, "A" Bench, Pune.
6. गार्ड फ़ाइल / Guard File.

// True Copy //

आदेशानुसार / BY ORDER,

निजी सचिव / Private Secretary
आयकर अपीलीय अधिकरण, पुणे / ITAT, Pune.