

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

सुश्री सुषमा चावला, न्यायिक सदस्य एवं श्री अनिल चतुर्वेदी, लेखा सदस्य के समक्ष
BEFORE MS. SUSHMA CHOWLA, JM AND SHRI ANIL CHATURVEDI, AM

आयकर अपील सं. / ITA No.387/PUN/2016

निर्धारण वर्ष / Assessment Year : 2011-12

M/s. Akzo Nobel India Limited,
(as successor of Akzo Nobel
Chemicals (India) Limited)
Tellus Building, 2nd Floor,
209/1B/1A, Range Hills,
Pune – 411020

.... Applicant

PAN: AADCA3941N

Vs.

The Deputy Commissioner of Income Tax,
Circle 1(1), Pune

.... Respondent

CORRIGENDUM

PER SUSHMA CHOWLA, JM:

The present application dated 27.07.2018 has been moved by the assessee for correction of order dated 05.06.2018 passed by the Tribunal in the captioned appeal. The Tribunal in para 6 at page 4 had held as under:-

"6..... Even, computation of income was made and notice of demand was also issued under section 156 of the Act in the name of M/s. Akzo Nobel India Limited."

2. The assessee has pointed out that computation of income was made and notice of demand was issued in the name of M/s. Akzo Nobel (Chemicals) India Limited, which is the amalgamating company (non-existent entity) and not in the name of M/s. Akzo Nobel India Limited, which is the amalgamated company.

3. We find that an error has crept in the order of Tribunal and hence, this Corrigendum is being issued. The revised para shall read as under:-

“6..... Even, computation of income was made and notice of demand was also issued under section 156 of the Act in the name of **M/s. Akzo Nobel Chemicals (India) Limited.**”

4. The applicant points as under:-

Further, the Tribunal in para 9 at pages 5 and 6 had held as under:-

“9. In view of the above said facts and circumstances of the present case before us where final assessment order under section 143(3) r.w.s. 144C(13) of the Act, demand notice under section 156 of the Act and even computation of income were made in the name of amalgamated company i.e. Akzo Nobel Chemicals (India) Limited; despite the facts, TPO/DRP passed order/directions in the name of amalgamating company i.e. Akzo Nobel India Limited; assessment order passed by the Assessing Officer is invalid being issued in the name of non existing entity, hence is cancelled. Thus, additional grounds raised by assessee are allowed. Since the assessment order is held to be invalid, the issue raised on merit becomes academic. Accordingly, grounds raised by assessee are allowed.”

5. We find that an error has crept in the order of Tribunal and hence, this Corrigendum is being continued. The revised para shall read as under:-

“9. In view of the above said facts and circumstances of the present case before us where final assessment order under section 143(3) r.w.s. 144C(13) of the Act, demand notice under section 156 of the Act and even computation of income were made in the name of **amalgamating company i.e. Akzo Nobel Chemicals (India) Limited**; despite the facts, TPO/DRP passed order/directions in the name of **amalgamated company i.e. Akzo Nobel India Limited**; assessment order passed by the Assessing Officer is invalid being issued in the name of non existing entity, hence is cancelled. Thus, additional grounds raised by assessee

are allowed. Since the assessment order is held to be invalid, the issue raised on merit becomes academic. Accordingly, grounds raised by assessee are allowed.”

The balance order shall remain unchanged.

Sd/-
(ANIL CHATURVEDI)

लेखा सदस्य / **ACCOUNTANT MEMBER**

पुणे / Pune; दिनांक Dated : 27th August, 2018.

GCVSR

Sd/-
(SUSHMA CHOWLA)

न्यायिक सदस्य / **JUDICIAL MEMBER**

आदेश की प्रतिलिपि अग्रेषित/Copy of the order is forwarded to :

1. The Appellant;
2. The Respondent;
3. The DRP-3, Mumbai;
4. The DIT (TP/IT), Mumbai;
5. The DR 'A', ITAT, Pune;
6. Guard file.

आदेशानुसार/ BY ORDER,

सत्यापित प्रति //True Copy//

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