

आयकर अपीलीय अधिकरण, 'बी' न्यायपीठ, चेन्नई

IN THE INCOME TAX APPELLATE TRIBUNAL

'B' 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.2211/Chny/2017

निर्धारण वर्ष / Assessment Year : 2010-11

M/s Natesan Synchrocones Pvt. Ltd.,
C/o Shri S. Sridhar,
Sh. A.S. Sriraman, Advocates,
New No.14, Old No.82, Flat No.5,
1st Avenue, Indira Nagar, Adyar,
Chennai - 600 020.

v. The Assistant Commissioner of
Income Tax,
Corporate Circle – 4(4),
Chennai.

PAN : AAACN 2399 A

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से/Appellant by : Shri S. Sridhar, Advocate

प्रत्यर्थी की ओर से/Respondent by : Shri A. Sasikumar, JCIT

सुनवाई की तारीख/Date of Hearing : 03.07.2018

घोषणा की तारीख/Date of Pronouncement : 12.09.2018

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) -8, Chennai, dated 21.08.2017 and pertains to assessment year 2010-11.

2. The first issue arises for consideration is disallowance made by the Assessing Officer under Section 14A of the Income-tax Act, 1961 (in short 'the Act') read with Rule 8D of the Income-tax Rules, 1962.

3. Shri S. Sridhar, the Ld.counsel for the assessee, submitted that on identical situation, this Tribunal in the assessee's own case for assessment years 2011-12, 2013-14 and 2012-13, remanded back the matter to the file of the Assessing Officer. The Ld.counsel submitted that for the year under consideration also the matter may be remanded back to the file of the Assessing Officer to consider the claim of the assessee in the light of the judgment of Apex Court in Maxopp Investment Ltd. v. CIT (2018) 402 ITR 640. Referring to another disallowance made by the Assessing Officer under Section 40(a)(i) of the Act to the extent of ₹7,12,604/-, the Ld.counsel submitted that since the main issue is to be remanded back to the file of the Assessing Officer, the disallowance made under Section 40(a)(i) of the Act may also be remanded back to the Assessing Officer.

4. We heard Shri A. Sasikumar, the Ld. Departmental Representative also. As rightly submitted by the Ld.counsel for the assessee, the disallowance made by the Assessing Officer under Section 14A of the Act read with Rule 8D of the Income-tax Rules, 1962 was remanded back to the Assessing Officer for reconsideration for the

assessment years 2011-12, 2013-14 and 2012-13. Since the facts are identical, this Tribunal is of the considered opinion that the matter needs to be reconsidered for the assessment year under consideration also. Accordingly, orders of both the authorities below are set aside and the Assessing Officer is directed to reconsider the matter in the light of the judgment of Apex Court in Maxopp Investment Ltd. (supra) and thereafter decide the issue afresh in accordance with law, after giving a reasonable opportunity to the assessee.

5. Now coming to the disallowance made by the Assessing Officer under Section 40(a)(i) of the Act.

6. Since the main issue of disallowance made under Section 14A of the Act read with Rule 8D of the Income-tax Rules, 1962 is remitted back to the file of the Assessing Officer, this Tribunal is of the considered opinion that the disallowance made under Section 40(a)(i) of the Act also needs to be reconsidered by the Assessing Officer. Accordingly, orders of both the authorities below are set aside and the entire issue is remitted back to the file of the Assessing Officer. The Assessing Officer shall re-examine the matter in the light of the material that may be filed by the assessee and thereafter decide the issue afresh in accordance with law, after giving a reasonable opportunity to the assessee.

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

Order pronounced on 12th September, 2018 at Chennai.

sd/-

(ए. मोहन अलंकामणी)

(A. Mohan Alankamony)

लेखा सदस्य/Accountant Member

चेन्नई/Chennai,

दिनांक/Dated, the 12th September, 2018.

Kri.

sd/-

(एन.आर.एस. गणेशन)

(N.R.S. Ganesan)

न्यायिक सदस्य/Judicial Member

आदेश की प्रतिलिपि अग्रेषित/Copy to:

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकर आयुक्त (अपील)/CIT(A)-8, Chennai
4. Principal CIT, Chennai-4, Chennai
5. विभागीय प्रतिनिधि/DR
6. गार्ड फाईल/GF.