

आयकर अपीलीय अधिकरण, 'डी' SMC न्यायपीठ, चेन्नई  
IN THE INCOME TAX APPELLATE TRIBUNAL  
' D' SMC BENCH : CHENNAI

श्री अब्राहमपी.जॉर्ज, लेखा सदस्य एवं  
श्री जॉर्ज माथन, न्यायिक सदस्य के समक्ष

BEFORE SHRI ABRAHAM P GEORGE, ACCOUNTANT MEMBER  
AND SHRI GEORGE MATHAN, JUDICIAL MEMBER

आयकर अपील सं./I.T.A.No.842/Chny/2018

निर्धारण वर्ष /Assessment year : 2006-07

M/s.**Globe Rexine Pvt Ltd.**,  
Old No.24,New No.3/135 & 136  
Chenduran Colony,  
Madipakkam, Chennai 600 091.

**Vs.** The Income Tax officer,  
Company Ward II(1),  
Chennai-34.

[PAN AAACG 1176 G]

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से/ Appellant by : Mr.K.Balasubramanian,C.A  
प्रत्यर्थी की ओर से /Respondent by : Mr.B.Sagadevan,JCIT,D.R

सुनवाई की तारीख/Date of Hearing : 17-09-2018  
घोषणा की तारीख /Date of Pronouncement : 17-09-2018

**आदेश / ORDER**

**PER GEORGE MATHAN , JUDICIAL MEMBER**

This is an appeal filed by the assessee against the order of  
the Commissioner of Income-tax (Appeals)-13, Chennai in appeal

No.27/CIT(A)-13/A.Y 2006-07 dated 09.02.2018 for the assessment year 2006-07.

2. Mr.K.Balasubramanian represented on behalf of the Assessee, and Mr.B.Sagadevan represented on behalf of the Revenue.

3. It was submitted by the Id.A.R that two additions were made in the case of assessee, one being the addition of ₹1,18,000/- made by the Id. Assessing Officer under the head 'Transport charges' on account of non-deduction of TDS u/s.194C of the Act, and the second addition of ₹4,20,000/- made by the Id. Assessing Officer in respect of 'advance received from customers' treated as undisclosed income u/s.68 of the Act. It was a submission that details were produced before the Ld.CIT(A), who also called for a Remand Report from the Id. Assessing Officer after verifying the facts and evidences filed before him. It was a further submission that the Remand Report has been extracted by the Ld.CIT(A) in page-3 of this order. It was a submission that in the Remand Report dated 30.01.2018 sent by the Id. Assessing Officer in regard to first issue, the A.O has categorically given a finding that *"Though at Sl.No.4, it was mentioned as Transport charges, actually this payment was Contract wages paid to a contractor for payment to his men. This was also very much within the threshold*

*limits u/s.194C and hence the requirement to deduct TDS does not arise*" and in regard to second issue, the A.O has categorically given a finding that *"Since the above amounts were only advances received from customer and the same has been repaid back, application of Sec.68 does not arise"*. It was a submission that the Id. Assessing Officer has given the Remand Report in favour of the assessee and without considering the Remand Report, the Ld.CIT(A) has held the issues against the assessee. It was a prayer by the Id.A.R that the order of the CIT(Appeals) be reversed and the two additions may be deleted.

4. In reply, Id.D.R vehemently supported the order of Ld.CIT(A).

5. We have considered the rival submissions. A perusal of the Remand Report of the Assessing Officer in assessee's case shows that both the issues in the appeal have been reported by the Id. Assessing Officer in favour of assessee after verification of the evidences. This being so, we are of the view that additions made by the Id. Assessing Officer and confirmed by the Ld.CIT(A) in respect of both the issues

are liable to be deleted, and we do so. In the circumstances both the issues for assessment year 2006-07 stand allowed.

6. In the result, the appeal of the assessee is allowed.

Order pronounced in the open court after conclusion of hearing on 17<sup>th</sup> September, 2018, at Chennai.

Sd/-

(अब्राहमपी.जॉर्ज)

( ABRAHAM P GEORGE)

लेखा सदस्य /ACCOUNTANT MEMBER

Sd/-

( जॉर्ज माथन)

(GEORGE MATHAN)

न्यायिक सदस्य/JUDICIAL MEMBER

चेन्नई/Chennai

दिनांक/Dated: 17<sup>th</sup> September, 2018.

K S Sundaram

आदेश की प्रतिलिपि अग्रेषित/Copy to:

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