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| IN THE INCOME TAX APPELLATE TRIBUNAL |
| COCHIN BENCH, COCHIN |
| BEFORE S/SHRI CHANDRA POOJARI, AM & GEORGE GEORGE K., JM |

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| I.T.A. No.599/Coch/2017 |
| Assessment Year : 2008-09 |

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| Shri P. Abdul Salam Malikaveetil Agencies, Main Road, Punalur, Kollam. [PAN:ACUPK 4194P] | Vs. | The Addl. Commissioner of Income-tax, Kollam Range, Kollam. |
| (Assessee-Appellant) | | (Revenue-Respondent) |

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|--------------------|--------------------------|
| Assessee by | Shri Ivan Joseph, CA |
| Revenue by | Smt. A.S. Bindhu, Sr. DR |

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|------------------------------|------------|
| Date of hearing | 05/02/2019 |
| Date of pronouncement | 05/02/2019 |

ORDER

Per CHANDRA POOJARI, AM:

This appeal of the assessee is directed against the order of the CIT(A) dated 13/09/2017 and pertains to assessment year 2008-09 .

2. The only issue in this appeal is with regard to direction of the CIT(A) to the Assessing Officer to add Rs.11,25,452/- towards unaccounted purchases instead of Rs.67,699/- added by the Assessing Officer.

3. Against this, the assessee is in appeal before us.

4. We have heard the rival submissions and perused the record. The main contention of the assessee is that the assessee accounted in its P&L account total purchases of Rs.21,72,77,297/- which is tallied with the order passed by the Commercial Tax Officer (Audit Assessment). He drew our attention to the profit and loss account for the year ended 31/03/2008 and submitted that total purchases are as follows:

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|-------------|--------------------------|
| Taxable | Rs.21,61,57,845/- |
| Non Taxable | <u>Rs. 10,76,173/-</u> |
| Total | <u>Rs.21,72,34,018/-</u> |

Thus, he submitted that the total purchases considered by the CIT(A) at Rs.21,61,57,845/- in the profit and loss account is not correct. According to him, the figures in the profit and loss account for the year ended 31/03/2008 and the figures taken in the order passed by the Commercial Tax Officer (Audit Assessment) was tallied and there cannot be any addition. In our opinion, this issue needs to be remitted to the file of the Assessing Officer to reconcile both the figures and decide thereupon and if there is any difference, that only is to be added. With this observation, we remit this issue to the file of the Assessing Officer for fresh consideration. It is needless to say that the assessee is to be given reasonable opportunity of hearing before deciding the issue. Hence, this ground of appeal of the assessee is allowed for statistical purposes.

5. In the result, the appeal of the assessee is partly allowed for statistical purposes.

Order pronounced in the open Court on this 5th February, 2019

sd/-
(GEORGE GEORGE K.)
JUDICIAL MEMBER

sd/-
(CHANDRA POOJARI)
ACCOUNTANT MEMBER

Place: Kochi
Dated: 5th February, 2019
GJ

Copy to:

1. Shri P. Abdul Salam, Malikaveettil Agencies, Main Road, Punalur, Kollam.
2. The Addl. Commissioner of Income-tax, Kollam Range, Kollam
3. The Commissioner of Income-tax(Appeals), Trivandrum..
4. The Pr. Commissioner of Income-tax, Trivandrum.
5. D.R., I.T.A.T., Cochin Bench, Cochin.
6. Guard File.

By Order

(ASSISTANT REGISTRAR)
I.T.A.T., Cochin