

**IN THE INCOME TAX APPELLATE TRIBUNAL
KOLKATA 'SMC' BENCH, KOLKATA**

(Before Sri J. Sudhakar Reddy, Accountant Member)

ITA No. 2500/Kol/2018
Assessment Year: 2009-10

Meena Vijay Joshi.....Appellant

Flat No. 3-D

3rd Floor

"Shiva Heights"

171A, Ramesh Dutta Street

Kolkata - 700 006

[PAN : ACRPJ 6009 M]

Vs.

Income Tax Officer, Ward-44(2), Kolkata.....Respondent

Appearances by:

Shri Miraj D. Shah, Advocate, appeared on behalf of the assessee.

Shri Ranu Biswas, Addl. CIT Sr. D/R. appearing on behalf of the Revenue.

Date of concluding the hearing : March 28th, 2019

Date of pronouncing the order : March 29th, 2019

ORDER

Per J. Sudhakar Reddy, AM :-

This is an appeal filed by the assessee directed against the order of the Learned Commissioner of Income Tax (Appeals) - 13, Kolkata, (Id. CIT(A)) passed u/s. 250 of the Income Tax Act, 1961, (the 'Act'), dt. 28/04/2015, for the Assessment Year 2009-10.

2. After hearing rival contentions I find that the Id. CIT(A) has passed an *ex-parte* order. The issue that arises in this appeal is the dispute on the addition made by the Assessing Officer of the difference between the interest credited by the bank to the bank account of the assessee and the interest recognised by the assessee in its books of account. The case of the assessee is that, it recognised interest income on receipt basis and whereas the bank credits the interest on accrual basis and deducts tax therefrom. The difference was explained as one of timing of recognition of income.

2.1. In my view, this issue has to be verified. If the assessee has recognised the income in question in the subsequent Assessment Year, in my view no addition can be made on account of this difference as it would be a double addition.

3. In view of the above discussion and in view of the violation of principles of natural justice, I set aside the matter to the file of the Assessing Officer, for fresh adjudication, in accordance with law.

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

Kolkata, the 29th day of December, 2018.

Sd/-

[J. Sudhakar Reddy]

Accountant Member

Dated : 29.03.2019

{SC SPS}

Copy of the order forwarded to:

1. ***Meena Vijay Joshi***

Flat No. 3-D

3rd Floor

"Shiva Heights"

171A, Ramesh Dutta Street

Kolkata - 700 006

2. ***Income Tax Officer, Ward-44(2), Kolkata***

3. CIT(A)-

4. CIT- ,

5. CIT(DR), Kolkata Benches, Kolkata.

True Copy

By Order

Assistant Registrar
ITAT, Kolkata Benches