

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

[Before Sri J. Sudhakar Reddy, Accountant Member & Sri S.S. Viswanethra Ravi, Judicial Member]

I.T.A. No. 2263/Kol/2017

Assessment Year: 2004-05

Sanjibon Diagnostic & Medical Research Pvt. Ltd.....Appellant
4, Satyen Roy Road
Kolkata - 700 034
[PAN : AAEC5 6340 N]

Income Tax Officer, Ward-11(1), Kolkata.....Respondent

Appearances by:

Shri Pritam Choudhury, CA, appeared on behalf of the assessee.

Shri C.J. Singh, JCIT D/R, appearing on behalf of the Revenue.

Date of concluding the hearing : April 22nd, 2019

Date of pronouncing the order : April 26th, 2019

O R D E R

Per J. Sudhakar Reddy, AM :-

This appeal filed by the assessee is directed against the order of the Learned Commissioner of Income Tax (Appeals) - 4, Kolkata, (Id. CIT(A)) passed u/s. 250 of the Income Tax Act, 1961, (the 'Act'), dt. 10/08/2017, for the Assessment Year 2004-05.

2. The assessee company is a diagnostic centre. It filed its return of income for the Assessment Year 2004-05 on 31/10/2004 declaring total loss of Rs.26,03,714/-.

3. The Id. Counsel for the assessee, Mr. Pritam Choudhury, did not press Ground Nos. 1 & 2. Hence they are dismissed as such.

4. Ground No. 3, is against the adhoc disallowance of 20% claimed under the head "travelling and conveyance" expenses on an estimate basis. The Assessing Officer disallowed the same on the ground the most of the bills were self made and there was no scope of cross-verification. The Id. CIT(A) confirmed the same on the ground that the expenses were not supported by third party vouchers. Before us, the Id. Counsel for the assessee submits that the expenditure in question was incurred by the employees for travelling and conveyance and that the whole

expenditure cannot be supported by third party vouchers as it included travel by bus, road side expenses etc. Alternatively, he submitted that the expenses were excessive.

5. After hearing rival contentions, we are of the considered opinion that the interests of justice would be met if the disallowance is restricted to 10% of the expenditure. Accordingly, the assessee gets part relief.

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

Kolkata, the 26th day of April, 2019.

Sd/-
[S.S. Viswanethra Ravi]
Judicial Member

Sd/-
[J. Sudhakar Reddy]
Accountant Member

Dated : 26.04.2019
{SC SPS}

Copy of the order forwarded to:

1. Sanjibon Diagnostic & Medical Research Pvt. Ltd
4, Satyen Roy Road
Kolkata - 700 034

2. Income Tax Officer, Ward-11(1), Kolkata

3. CIT(A)-

4. CIT- ,

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

True copy
By order

Assistant Registrar
ITAT, Kolkata Benches

