

आयकर अपीलीय अधिकरण, 'ए' न्यायपीठ, चेन्नई।  
**IN THE INCOME TAX APPELLATE TRIBUNAL**  
**'A' BENCH: CHENNAI**

श्री जॉर्ज माथन, न्यायिक सदस्य एवं श्री  
श्री एस. जयरामन, लेखा सदस्य के समक्ष

**BEFORE SHRI GEORGE MATHAN, JUDICIAL MEMBER AND**  
**SHRI S. JAYARAMAN, ACCOUNTANT MEMBER**

आयकर अपील सं./ITA No.96/Chny/2018  
निर्धारण वर्ष /Assessment Year: 2013-14

Late Kanniappan Thiruvengadam,  
(Rep. by Legal Heir Shri T. Palani)  
No.78/12, Perumbur High Road,  
Jamaliya, Chennai – 600 012.

The Deputy Commissioner of  
Income Tax,  
**Vs.** Non Corporate Circle – 10(1),  
Chennai

**[PAN: ABNPT 3323R]**

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से/ Appellant by  
प्रत्यर्थी की ओर से /Respondent by

: Mr. Kaushik. M, Advocate  
: Mr. AR.V.Sreenivasan, JCIT

सुनवाई की तारीख/Date of Hearing

: 18.12.2019

घोषणा की तारीख /Date of Pronouncement

: 18.12.2019

**आदेश / ORDER**

**PER GEORGE MATHAN, JUDICIAL MEMBER:**

This is an appeal filed by the Assessee against the order of the learned  
Commissioner of Income Tax (Appeals)-12, Chennai in appeal No. I.T.A.  
No.4/CIT(A)-12/2016-17 dated 27.11.2017 for the Assessment Year 2013-14.

2. Mr. Kaushik. M, Advocate represented on behalf of the Assessee and  
Mr. AR.V.Sreenivasan, JCIT represented on behalf of the Revenue.

3. It was submitted by the learned Authorized Representative that the only issue in the assessee's was against the action of the learned CIT(A) in confirming the disallowance of the loss on account of the death of live-stock to the extent of Rs.14.00 lakhs. It was submitted by the learned Authorized Representative that the assessee is running a Dairy Farm under the name and style as M/s. T.G. Farm. During the relevant assessment year, there was death of twenty buffaloes out of more than three-hundred buffaloes maintained by the assessee. It was a submission that the assessee had taken the total cost of the buffaloes as maintained in his books divided by the number of buffaloes and then multiplied the said derivative by twenty representing the death of the life-stock and had claimed an amount of Rs.14.00 lakhs as loss. The learned Authorized Representative drew our attention to the balance sheet and profit and loss account as also the statement of fixed assets in respect of his dairy farm. The learned Authorized Representative submitted that the total value of the live-stock as on 01.04.2012 was Rs.2,64,05,283/-. Out of the said life-stock, the assessee had sold a few and on account of the death of twenty buffaloes, the same was valued at Rs.14.00 lakhs and the total deletions from the live-stock was at Rs.64,12,000/-. It was a submission that the Assessing Officer disallowed the assessee's claim by holding that the assessee had not produced any evidence to show as to how the loss figure was arrived at. It was a submission that on identical reasons the learned CIT(A) had confirmed the disallowance. It was a submission that the Certificate from the Veterinary Doctor has also been produced, wherein the

cost of the buffaloes had been clearly mentioned to be around Rs.70,000/- per buffalo. It was a submission that there was no other way that the assessee could have valued the live-stock.

4. In reply, the learned Departmental Representative vehemently supported the order the learned Assessing Officer and the learned CIT(A).

5. We have considered the rival submissions and perused the material available on record.

6. The assessee has maintained his books in respect of the dairy farm run by him. The assessee has also shown the deduction in respect of the live-stock to an extent of Rs.64,12,000/- . The assessee has also produced before the lower authorities a Certificate from the Veterinary Doctor specifying that the dead buffaloes could have cost an amount of Rs.70,000/- each. The death of the buffaloes nor the loss in respect of the buffaloes are doubted by the Revenue. The assessee has followed a particular method for determining the cost of his loss. The said live-stock admittedly is not a depreciable asset. A dead buffalo would also admittedly have no value. The method adopted by the assessee has also not been shown to be wrong by the Revenue. The Assessing Officer has a only mention that he is not accepting the valuation. If that is so, then it was for the Assessing Officer to adopt any other proper or scientific method of valuation which he felt is the right method. This has not been done by the Assessing Officer. The loss of the live-stock being an accepted fact and the Assessing Officer having not put forward an alternative

valuation, we are of the view that the valuation as adopted by the assessee by adopting the cost as mentioned by the Veterinary Doctor is an acceptable method on the facts of the case.

7. In the result, the Assessing Officer is directed to grant the assessee the loss of Rs.14.00 lakhs in respect of the death of the fourteen buffaloes as claimed by the assessee.
8. In the result, the appeal of the assessee is allowed.

*Order pronounced in the open Court on 18<sup>th</sup> December, 2019 in Chennai.*

Sd/-  
(श्री एस. जयरामन)  
**(S. JAYARAMAN)**  
लेखा सदस्य/ACCOUNTANT MEMBER

Sd/-  
(जॉर्ज माथन)  
**(GEORGE MATHAN)**  
न्यायिक सदस्य/JUDICIAL MEMBER

चेन्नई/Chennai,  
दिनांक/Dated: 18<sup>th</sup> December, 2019.  
IA, Sr. PS

आदेश की प्रतिलिपि अग्रेषित/Copy to:

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