

आयकर अपीलीय अधिकरण, 'बी' न्यायपीठ, चेन्नई

**IN THE INCOME TAX APPELLATE TRIBUNAL , 'B' (SMC) BENCH, CHENNAI,
CAMP AT COIMBATORE
BEFORE SHRI N.R.S. GANESAN, JUDICIAL MEMBER**

आयकर अपील सं./I.T.A.No.933/Chny/2019

(निर्धारण वर्ष/ Assessment Year: 2004-05)

Shri S. Manickavasagam,
B-10, Fairlands,
Salem 636 016.

Vs The Assistant Commissioner of
Income Tax ,
Circle 2,
Salem

PAN: ADRPM 8356K]

((अपीलार्थी /Appellant)

(प्रत्यर्थी/Respondent)

Appellant by : None

Respondent by : Shri AR.V. Sreenivasan, JCIT

Date of hearing : 03.02.2020

Date of Pronouncement : 03.02.2020

ORDER

This appeal of the assessee is directed against the order of the Commissioner of Income Tax (Appeals), Salem dated 31.01.2019 and pertains to the assessment year 2004-05.

2. Shri. N. V. Balaji, the Ld. Representative for the assessee filed an application for adjournment. Since there is no reasonable cause for adjournment, the application of the assessee is rejected.

3. I heard Shri. AR.V. Sreenivasan, the Id. Departmental Representative and dispose the appeal on merits.

4. Shri AR.V. Sreenivasan, the Ld. Departmental Representative, submitted that appeal of the assessee alongwith that of the co-owner Shri. V. Palaniappan were remitted back to the file of the Assessing Officer for reconsideration. In the case of Co-owner, the Division Bench of this Tribunal in ITA No.1798/Mds/2013 vide order dated 29.05.2017 found that additional compensation received were revenue receipt and it has to be assessed in the assessment year 2004-2005. Therefore, according the Id. DR, the present case also has to be assessed only in the assessment year 2004-2005.

5. Having heard the Id. Departmental Representative, I have also perused the relevant material available on record. The only contention of the assessee in the grounds of appeal is that compensation was received during the year 2005-06 and it was offered for taxation after claiming

deduction u/s.54EC of the Act. The claim of compensation was examined by the Division Bench of this Tribunal in co-owners case in ITA No.1798/Mds/2013 vide order dated 29.05.2017 and it was specifically found that it was revenue receipts and to be assessed for assessment year 2004-2005. In view of the findings of the Division Bench, this Tribunal finds no reason to interfere with the orders of the lower authorities. Accordingly, I dismiss the appeal filed by the assessee.

6. In the result, the appeal filed by the assessee in ITA No.933/CHNY/2019 for assessment year 2004-2005 stands dismissed.

Order pronounced in the open court on 3rd February, 2020, at camp at Coimbatore.

Sd/-

(एन.आर.एस. गणेशन)
(N.R.S. GANESAN)

न्यायिकसदस्य/Judicial Member

Coimbatore,
दिनांक/Dated, the 3rd February 2020.

KV

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 |