

IN THE INCOME TAX APPELLATE TRIBUNAL “C”, BENCH KOLKATA

BEFORE SHRI S. S. GODARA, JM & Dr. A. L. SAINI, AM

आयकर अपीलसं/I.T.A No.1656/Kol/2019

(निर्धारण वर्ष / Assessment Year: 2012-13)

Woodside Fashions Ltd. 22, Camac Street, Kolkata.	Vs.	ACIT, Circle-31, Kolkata.
स्थायीलेखासं./जीआइआरसं./PAN/GIR No.: AAACW3995R		
(Appellant)	..	(Respondent)

Appellant by : Shri Anil Kochar, Advocate

Respondent by : Shri Supriyo Pal, JCIT

सुनवाई की तारीख/ **Date of Hearing** : **24/02/2020**

घोषणा की तारीख/**Date of Pronouncement** : **28/02/2020**

आदेश / O R D E R

Per Shri S. S. Godara:

This assessee's appeal for assessment year 2012-13 arises against the Commissioner of Income Tax (Appeals)-4, Kolkata's order dated 30.05.2019 in case no.38/CIT(A)-4/2018-19 involving proceedings u/s 154 of the Income Tax Act, 1961 (in short 'the Act').

Heard Shri Anil Kochar, authorized representative for assessee and Shri Supriyo Pal, JCIT-DR appearing at the Revenue's behest.

2. It transpires at the outset with the able assistance of both the learned representatives that although the assessee has raised its substantive grievance of tax credit of MAT from total tax liability for the purpose of charging section 234C interest that Explanation to section 234C in clause (v) is effective from 2013-14 than carrying retrospective effect, the CIT(A)'s lower appellate adjudication has nowhere dealt with the relevant factual matrix involved in section 154

proceedings. Both parties are *ad idem* therefore that the assessee's grievance canvassed in the instant lis deserves to be restored back to the Assessing Officer for fresh adjudication/computation as per law. We order accordingly. The assessee or its authorized representative shall appear before the Assessing Officer on or before 31.07.20.

3. This assessee's appeal is allowed for statistical purposes.

Order is pronounced in the open court on 28.02.2020.

Sd/-
(A. L. Saini)
ACCOUNTANT MEMBER

Sd/-
(S. S. Godara)
JUDICIAL MEMBER

कोलकाता /Kolkata;

दिनांक/ Date: 28/02/2020

RS

आदेश की प्रतिलिपि अग्रेषित/Copy of the Order forwarded to :

1. The Appellant - Woodside Fashions Ltd.
2. The Respondent- ACIT, Circle-31, Kolkata.
3. आयकरआयुक्त(अपील) / The CIT(A), Kolkata [sent through email]
4. आयकरआयुक्त/ CIT
5. विभागीयप्रतिनिधि, आयकरअपीलीयअधिकरण, कोलकाता/ DR, ITAT, Kolkata [sent through email]
6. गार्डफाईल / Guard file.
सत्यापितप्रति

True Copy

By Order

Assistant Registrar,
I.T.A.T, Kolkata Benches,
Kolkata.