

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

श्री एन.आर.एस. गणेशन, न्यायिक सदस्य एवं  
श्री एस जयरामन, लेखा सदस्य के समक्ष

**BEFORE SHRI N.R.S. GANESAN, JUDICIAL MEMBER AND  
SHRI S.JAYARAMAN, ACCOUNTANT MEMBER**

आयकर अपील सं./ITA No. 3135/Chny/2018  
निर्धारण वर्ष /Assessment Year: 2012-13

**M/s.T.T.Krishnamchari &  
Co.,**  
6, Cathedral Road,  
Gopalapuram, Chennai 600 016  
[PAN: AAFT 0395 D]

**Vs.** Assistant Commissioner of Income  
Tax,  
Non-Corporate Circle-3,  
Chennai.

(अपीलार्थी/ Appellant)

(प्रत्यर्थी/ Respondent)

अपीलार्थी की ओर से/ Appellant by	:	Mr.R.Vijayaraghavan, Advocate
प्रत्यर्थी की ओर से /Respondent by	:	Mr. AR.V.Srinivasan, JCIT, D.R
सुनवाई की तारीख/Date of Hearing	:	20.02.2020
घोषणा की तारीख /Date of Pronouncement	:	04.03.2020

**आदेश / O R D E R**

**PER S.JAYARAMAN, ACCOUNTANT MEMBER:**

The assessee filed this appeal against the order of the Commissioner of Income Tax (Appeals)-4, Chennai in ITA No.82/2017-18/A.Y.2012-13/C.I.T(A)-4, dated 11.09.2018 for the assessment year 2012-13.

2. The Ld. A.R., though he has taken many grounds of appeal, pressed only one ground pleading that if the income admitted by the assessee in

accordance with statement of income of Koltak Alternate Opportunities (India) Fund (KAIOF) is analyzed with the assessee's admission of income as made in the computation of its income, the income assessable in the re-opened assessment would be lesser than the income i.e. originally assessed under Section.143(3) of the Act dated 06.03.2015 and therefore, there would not any reason to re-open the assessment in view of non-escapement of income over the income already assessed. Therefore, the Ld. A.R. pleaded that on this issue, the appeal may be allowed.

3. Per contra, Ld. D.R. submitted that the details furnished by the assessee before the Tribunal was not available with the A.O. and hence, it requires examination, appeal may be decided accordingly.

4. We have heard the rival submissions and perused the material available on record. The assessee pleads that the income already assessed u/s 143(3) of the Act is correct in accordance with details furnished before the Bench. If the relevant materials are examined by the A.O., there would not be any case for re-opening the assessment as the computation of income originally made under Section 143(3) of the Act would be more than the income that is likely to be a reassessed income and hence, there would not be be a case for reopening of assessment. Since the relevant materials were not placed before the A.O., for due consideration, we deem it fit to remit this issue back to the learned A.O. for fresh examination. The assessee shall furnish the relevant material

before the A.O. and comply with the requirements of the A.O in accordance with law.

The A.O. shall after affording effective opportunity of being heard to the assessee, would decide the case in accordance with law.

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

Order pronounced on the 04<sup>th</sup> March, 2020 in Chennai.

Sd/-

(एन.आर.एस .गणेशन)

(N.R.S. GANESAN)

न्यायिकसदस्य/Judicial Member

Sd/-

(एस जयरामन)

(S. JAYARAMAN)

लेखा सदस्य/ACCOUNTANT MEMBER

चेन्नई/Chennai,

दिनांक/Dated: 04<sup>th</sup> March, 2020.

K S Sundaram

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