

IN THE INCOME TAX APPELLATE TRIBUNAL  
PUNE BENCH "SMC", PUNE – VIRTUAL COURT

BEFORE SHRI R.S. SYAL, VICE PRESIDENT  
AND  
SHRI S.S. VISWANETHRA RAVI, JUDICIAL MEMBER

ITA No.1443/PUN/2019  
निर्धारण वर्ष / Assessment Year : 2008-09

Shree Kalka Cotex,  
Survey No.520/2/3,  
Pahur Road,  
Shendurni,  
Dist. Jalgaon – 425001

PAN : AAYFS9248N

.....अपीलार्थी / Appellant

**बनाम / V/s.**

The Dy. Commissioner of Income Tax,  
Circle 2, Jalgaon

.....प्रत्यर्थी / Respondent

Assessee by : Shri Rahul Hakani  
Revenue by : Shri S.P. Walimbe

सुनवाई की तारीख / Date of Hearing : 23-07-2020  
घोषणा की तारीख / Date of Pronouncement : 23-07-2020

**आदेश / ORDER**

**PER S.S. VISWANETHRA RAVI, JM :**

This appeal by the assessee is against the order dated 19.07.2019 passed by the Commissioner of Income-tax (Appeals)-2, Nashik for assessment year 2008-09.

2. The only issue is to be decided is as to whether the CIT(A) justified in confirming the order passed by the Assessing Officer regarding denial of

subsidy claimed under Packaged Scheme of Incentives (PSI) of Government of Maharashtra in the facts and circumstances of the case.

3. Heard both the parties and perused the material available on record. The assessee is a firm and engaged in the business of cotton ginning, pressing, manufacturing and trading in cotton & cotton seed. The assessee claimed subsidy of an amount of Rs.12,30,000/- received from DIC under Packaged Scheme of Incentives (PSI) of Government of Maharashtra. Further, the assessee has shown the said entire amount received, credited to the Fixed Assets Account. On perusal of para No.4 of AO's order, we note that the assessee could not furnish or produce any documents in support of its claim such as eligibility certificate and sanction letter in the assessment proceedings, thereby, the Assessing Officer proceeded to treat the same as revenue receipt and added the same to the total income of assessee. The CIT(A) confirmed the same vide its observations made therein in para No.7 of impugned order. The contention of Ld. AR Shri Rahul Hakani is that there was no opportunity for the assessee to substantiate its claim by producing relevant evidences in support of its claim and prayed to remand the matter to the file of Assessing Officer for its fresh verification. The Ld. DR Shri S.P. Walimbe by referring to para No.7 of impugned order, submitted that the CIT(A) has given opportunity to the assessee in the remand proceedings and the assessee could not produce evidences in support of its claim and however, agreed for remand of the issue to the file of Assessing Officer. Considering the submissions of Ld. AR and Ld. DR and facts and circumstances relevant to the issue raised before us, we deem it proper to restore the

issue back to the file of Assessing Officer for fresh verification. The assessee is directed to file evidences, if any, in support of its claim before the Assessing Officer. Therefore, the only ground raised by the assessee is allowed for statistical purposes.

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

Order pronounced in the open court on 23<sup>rd</sup> July, 2020.

Sd/-  
**R.S. SYAL**  
**VICE PRESIDENT**

Sd/-  
**S.S. VISWANETHRA RAVI**  
**JUDICIAL MEMBER**

पुणे / Pune; दिनांक / Dated : 23<sup>rd</sup> July, 2020  
GCVSR

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

1. अपीलार्थी / The Appellant.
2. प्रत्यर्थी / The Respondent
3. The CIT (Appeals)-2, Nashik.
4. The Pr. CIT-2, Nashik.
5. DR, ITAT, "SMC" Bench, Pune.
6. गार्ड फ़ाइल / Guard File.

//सत्यापित प्रति// True Copy// आदेशानुसार / BY ORDER,

वरिष्ठ निजी सचिव / Sr. Private Secretary  
आयकर अपीलीय अधिकरण, पुणे / ITAT, Pune