

**IN THE INCOME TAX APPELLATE TRIBUNAL
MUMBAI "K" BENCH, MUMBAI**

**[Coram: Pramod Kumar, Vice President, and,
Ravish Sood, Judicial Member]**

ITA No. 985/Mum/2016
Assessment year: 2011-12

Deutsche Investor Services P. Ltd.,Appellant
*3rd Floor, Block B-1, Nirlon Knowledge Park,
Western Express Highway, Goregaon East,
Mumbai 400063
[PAN: AACCD3788M]*

Vs

Deputy Commissioner of Income Tax-12(2)(1)Respondent
Mumbai 400020

Appearances by

Niraj Sheth *for the appellant*
Akhtar Hussain Ansari *for the respondent*

Date of concluding the hearing : October 10th, 2020
Date of pronouncement : December 8th, 2020

ORDER

Per Pramod Kumar, VP:

By way of this appeal, the assessee appellant has called into question correctness of learned Assessing Officer order dated 31st December 2015, in the matter of assessment under section 143(3) r.w.s. 144C (13) of the Income Tax Act, 1961, for the assessment year 2011-12.

2. Ground no.1 is not pressed, and, is accordingly dismissed as not pressed.
3. In ground no.2, the assessee has raised the following grievance:

(2) The AO erred in granting short credit for TDS of Rs.33,239,739 out of, the total TDS credit of Rs,36,602,602 claimed in the Return of Income for the year under appeal, without assigning any reason.

4. Learned counsel for the assessee submits that the Assessing Officer has granted short credit for TDS, and has not assigned any reasons for such short credit. All that he seeks is a direction to the Assessing Officer to decide the matter by way of a speaking order. Learned Departmental Representative does not oppose the said prayer.

5. In view of the above discussions, we deem it fit and proper to direct the Assessing Officer to decide the matter, regarding credit for TDS-as claimed by the assessee, by way of a speaking order, in accordance with the law and after giving a fair and reasonable opportunity of hearing to the assessee. Ordered, accordingly.

6. Ground no. 2 is thus allowed for statistical purposes in the terms indicated above.

7. In the result, the appeals is partly allowed for statistical purposes. Pronounced in the open court today on the 8th day of December, 2020.

Sd/-
Ravish Sood
(Judicial Member)

Sd/-
Pramod Kumar
(Vice President)

Mumbai, dated the 8th day of December, 2020

Nishant Verma, Sr. SP

Copies to:

(1)	<i>The Applicant</i>	(2)	<i>The respondent</i>
(3)	<i>CIT</i>	(4)	<i>CIT(A)</i>
(5)	<i>DR</i>	(6)	<i>Guard File</i>

By order

*Assistant Registrar
Income Tax Appellate Tribunal
Mumbai benches, Mumbai*