

**IN THE INCOME TAX APPELLATE TRIBUNAL  
KOLKATA 'B' BENCH, KOLKATA  
VIRTUAL COURT HEARING**

**(Before Sri J. Sudhakar Reddy, Hon'ble Accountant Member & Sri Aby T. Varkey, Hon'ble Judicial Member)**

**ITA No. 2065/Kol/2019**

Assessment Year: 2015-16

***Maa Transport Agency.....Appellant***

***C/o Shri Kanchan Sadhu, Advocate***

***Vivekanada Park***

***P.O.-Ramkrishna Mission***

***Asansol***

***Dist - Burdwan***

***PIN - 713305***

***[PAN : AAKFM 9822 A]***

***Astt. Commissioner of Income Tax, Cricle-2, Asansol.....Respondent***

**Appearances by:**

*Shri Kanchan Sadhu, Advocate, appeared on behalf of the assessee.*

*Smt. Ranu Biswas, Addl. CIT, DR appearing on behalf of the Revenue.*

Date of concluding the hearing : December 1<sup>st</sup>, 2020

Date of pronouncing the order : January 8<sup>th</sup>, 2021

**O R D E R**

**Per J. Sudhakar Reddy :-**

This appeal filed by the assessee is directed against the order of the Id. Commissioner of Income Tax (Appeals)- Asansol, (hereinafter the 'Id. CIT (A)'), passed u/s 250 of the Income Tax Act, 1961 (the 'Act'), dt. 02/07/2019.

2. We have heard rival contentions. On careful consideration of the facts and circumstances of the case, perusal of the papers on record, orders of the authorities below as well as case law cited, we hold as follows:-

3. We find that the SMC Bench of the Tribunal in the assessee's own case under identical circumstances in *I.T.A. No. 1591/Kol/2014; Assessment Year: 2008-09, order dt. March 9<sup>th</sup>, 2018*, has held as under:-

*"5. After hearing rival submissions, I find that the Id. CIT(A) estimated the net profit at 9.1 per cent as against the profit estimated at 10.90 per cent by the Assessing Officer. Keeping in view, the earlier estimations made by the Co-ordinate Bench of the ITAT in the assessee's own case, for the earlier Assessment Years, I am of the opinion that interest of justice would be met if gross*

*profit is estimated at 6 per cent of gross receipts. The assessee would be entitled to deduction of interest on capital and partner's remuneration from such estimation of gross profit. Ordered accordingly."*

4. Consistent with the view taken therein, we are of the opinion that interest of justice would be met if gross profit is estimated at 6 per cent of gross receipts. The assessee would be entitled to deduction of interest on capital and partner's remuneration from such estimation of gross profit. Ordered accordingly."

5. In the result, appeal of the assessee is allowed in part.

***Kolkata, the 8<sup>th</sup> day of January, 2021.***

***Sd/-***  
**[Aby T. Varkey]**  
Judicial Member

***Sd/-***  
**[J. Sudhakar Reddy]**  
Accountant Member

Dated : 08.01.2021  
{SC SPS}

*Copy of the order forwarded to:*

**1. Maa Transport Agency**  
**C/o Shri Kanchan Sadhu, Advocate**  
**Vivekanada Park**  
**P.O.-Ramkrishna Mission**  
**Asansol**  
**Dist - Burdwan**  
**PIN - 713305**

**2. Astt. Commissioner of Income Tax, Cricle-2, Asansol**

**3. CIT(A)-**

**4. CIT- ,**

**5. CIT(DR), Kolkata Benches, Kolkata.**

True copy  
By order

Assistant Registrar  
ITAT, Kolkata Benches