

IN THE INCOME TAX APPELLATE TRIBUNAL
HYDERABAD BENCH "A", HYDERABAD

BEFORE SHRI A. MOHAN ALANKAMONY,
ACCOUNTANT MEMBER

AND

SHRI S.S. GODARA, JUDICIAL MEMBER

ITA No.60/Hyd/2019	
Assessment Year:2010-11	
M/s. Cobalt Power Private Limited, Hyderabad – 500 016. PAN: AADCC 3347 G (Appellant)	Vs. Income Tax Officer, Ward-1(4), Hyderabad. (Respondent)
Assessee by:	Shri H. Srinivasulu
Revenue by:	Shri Y.V.S.T. Sai, CIT-DR
Date of hearing:	08/02/2021
Date of pronouncement:	25/02/2021

ORDER

PER A. MOHAN ALANKAMONY, AM.:

This appeal is filed by the assessee against the order of the Ld. CIT (A)-1, Hyderabad in appeal No. 0108/CIT(A)-1, Hyderabad/2016-17/2018-19, dated 27/09/2018 passed U/s. 143(3) r.w.s 147 and U/s. 250(6) of the Act for the AY 2010-11.

2. The assessee has raised several grounds in its appeal.

3. At the outset, the Ld. AR submitted before us that this appeal of the assessee is arising from the protective assessment made in the hands of the assessee by the ld. AO. The Ld. AR further submitted that the substantive assessment made in the hands of the other entity viz.,

M/s. East Coast Energy Private Limited was remitted back to the file of Ld. AO for de-novo consideration by the Tribunal. At this juncture, the Bench opined that since the substantive assessment made in the hands of M/s. East Coast Energy Private Limited is remitted back to the file of the Ld. AO for de-novo consideration by the Tribunal, the protective assessment made in the case of the assessee is also required to be remitted back to the file of the Ld. AO. The Ld. DR conceded to the view expressed by the Bench though the Ld. AR vehemently argued that the appeal has to be heard on merits.

4. After hearing both the parties, we are of the considered view that since the substantive addition in the hands of M/s. East Coast Energy Private Limited is remitted back to the file of the Ld. AO for de novo consideration, the case of the assessee which is only a protective assessment has also to be necessarily remitted back to the file of the Ld. AO because the outcome of the appeals is inter-connected. Therefore, in the interest of justice, the appeal of the assessee is remitted back to the file of the Ld. AO in order to pass appropriate order based on law and merit after considering the assessment order passed in the case of M/s. East Coast Energy Private Limited wherein substantive addition is made. It is ordered accordingly.

5. In the result, the appeal of the assessee is allowed for statistical purposes as indicated herein above.

Pronounced in the open Court on the Twenty Fifth of
February, 2021.

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

Sd/-
(A. MOHAN ALANKAMONY)
ACCOUNTANT MEMBER

Hyderabad, Dated: 25th February, 2021.

OKK

Copy to:-

1.	M/s. Cobalt Power Private Limited, 7-1-22/14, D.No. 15, Pingle Bagh, Venkatesh Colony, Begumpet, Hyderabad – 500016.
2.	The Income Tax Officer, Ward-1(4), Hyderabad.
3.	The Commissioner of Income Tax (Appeals)-1, Hyderabad.
4.	The Principal Commissioner of Income Tax-1, Hyderabad.
5.	The Departmental Representative, ITAT, Hyderabad.
6.	Guard File.