

**IN THE INCOME TAX APPELLATE TRIBUNAL
HYDERABAD BENCHES "B" : HYDERABAD
(THROUGH VIDEO CONFERENCE)**

**BEFORE SHRI S.S.GODARA, JUDICIAL MEMBER
AND
SHRI LAXMI PRASAD SAHU, ACCOUNTANT MEMBER**

I.T.A. No. 1919/HYD/2018

Assessment Year: 2014-15

Vijay Bhavani Constructions Pvt. Ltd., HYDERABAD [PAN: AABCV6770A]	Vs	Income Tax Officer, Ward-17(4), HYDERABAD
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(Appellant)

(Respondent)

For Assessee : Shri P.Murali Mohana Rao, AR
For Revenue : Shri Rohit Mujumdar, DR

Date of Hearing : 17-02-2021
Date of Pronouncement : 18-03-2021

ORDER

PER S.S.GODARA, J.M. :

This assessee's appeal for AY.2014-15 arises from the CIT(A)-5, Hyderabad's order dated 13-03-2018 passed in appeal No.0403/2016-17/CIT(A)-5, CIT(A), Hyderabad-5/10465/2016-17 in proceedings u/s.143(3) of the Income Tax Act, 1961 [in short, 'the Act'].

Heard both parties. Case file perused.

2. The assessee has raised the following substantive grounds in the instant appeal:

“1. The order of the Ld.CIT(A), is erroneous both on facts of the case and in law to the extent the order is prejudicial to the interest of the assessee.

2.The Ld CIT(A) erred in confirming the addition for an amount of Rs.3,78,77,506/- . stating that there was a difference in the Form 26AS and the assessee books of accounts.

3.The CIT(A) ought to have appreciated the fact that out of the receipts from M/s K N R Construction Ltd are Rs.8,41,12,672/-, the actual amount is Rs.4,62,35,166/- . is admitted in P & L a/c , the difference amount of Rs.3,78,77,506/- is due to excess payment towards advances.

4.The Ld.CIT(A) erred in differentiating the receipts between revenue generated and the mobilisation advances received by the assessee during the year.

5.The Ld.CIT(A) ought to have appreciated the fact that money received as mobilisation advance cannot be treated as income of the assessee.

6.The Ld.CIT(A) ought to have appreciated the fact that assessee has declared the income based on work certified.

7.The Ld.CIT(A) erred in not considering the explanation given by the assessee with regard to mobilisation advances received during the year has been offered to income in subsequent year as income.

8.The assessee may add, alter or modify any other points to the grounds of appeal at any time before or at the time of hearing of the appeal”.

3. It emerges from a perusal of the assessee’s foregoing pleadings that its sole argument is that the impugned sum indicating difference between Form-26AS viz-a-viz that declared in its books of account already stands assessed as income in AY.2015-16.

4. Mr.Rao has also sought to invite our attention to assessee’s Profit and Loss Account pertaining to the said subsequent assessment year to this effect. Faced with this peculiar situation, we deem it appropriate that larger interest of justice would be met in case the issue is restored back to

the Assessing Officer for his necessary factual verification regarding assessment of the impugned income component in AY.2015-16. The assessee or its authorised representative shall appear before the Assessing Officer on or before 31-08-2021 along with all the necessary details to be followed by three effective opportunities of hearing; at its own risk and responsibility.

5. This assessee's appeal is treated as allowed for statistical purposes in above terms.

Order pronounced in the open court on 18th March, 2021

Sd/-
(LAXMI PRASAD SAHU)
ACCOUNTANT MEMBER

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

Hyderabad,
Dated: 18-03-2021

TNMM

Copy to :

1.Vijay Bhavani Constructions Private Limited, C/o. P.Murali & Co., Chartered Accountants, 6-3-655/2/3, 1st Floor, Somajiguda, Hyderabad.

2.The Income Tax Officer, Ward-17(4), Hyderabad.

3.CIT(Appeals)-5, Hyderabad.

4.Pr.CIT-5, Hyderabad.

5.D.R. ITAT, Hyderabad.

6.Guard File.