

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

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

I.T.A. No. 1988/HYD/2017

&

I.T.A. No. 773/HYD/2019

Assessment Year: 2011-12

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| Saahi Systems Private Limited, HYDERABAD [PAN: AAEC6162Q] | Vs | Income Tax Officer, Ward-3(1), HYDERABAD |
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(Appellant)

(Respondent)

For Assessee : Shri V.Siva Kumar, AR
For Revenue : Shri Sunil Kumar Pandey, DR

Date of Hearing : 21-04-2021
(ITA No.1988/H/17)
18-05-2021
(ITA No.773/H/19)

Date of Pronouncement : 28-05-2021

ORDER

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

These two assessee's appeals for AY.2011-12 arises from the CIT(A)-3, Hyderabad's order dated 06-09-2017 & 06-02-2019 passed in case Nos.0266/CIT(A)-3/2015-16 & 10012/ITO-3(1)/Hyd/CIT(A)-3/2018-19, in proceedings u/s.144 r.w.s.263 & 274 r.w.s.271(1)(c) of the Income Tax Act, 1961 [in short, 'the Act']; respectively.

Heard both the parties. Case files perused.

2. It transpires during the course of hearing in former appeal ITA No.1988/Hyd/2017 that both the learned lower authorities have disallowed assessee's claim of Section 10A deduction amounting to Rs.42,38,196/- for the sole reason that it had claimed the same for the first time in AY.2001-02 and therefore, this beneficial provision would not apply in the 11th year i.e AY.2011-12 before us.

The assessee's sole argument on the other hand is that its first year of claiming impugned relief was AY.2002-03 and therefore, corresponding period of 10 years continues upto AY.2011-12. We proceed to notice in this factual backdrop that the assessee has also filed its detailed paper book(s) *prima-facie* indicating that it had been incorporated on 23-03-2000 followed by 100% EOU approval under Software Technology Park Scheme on 29-06-2012. And that AY.2000-01 involved assessee's interest income only of Rs.133 without any profits and gains derived from the eligible unit.

3. Faced with this situation, we deem it appropriate to restore the instant issue back to the Assessing Officer for his afresh factual verification of assessee's details to this effect. It is made clear that assessee or its authorised representative shall appear before the Assessing Officer on or before 30-09-2021 with all the relevant details; at its own risk and responsibility to be followed by three effective opportunities of hearing. Quantum appeal ITA No.1988/Hyd/2017 is accepted for statistical purposes in above terms.

4. Same order to follow in assessee's penalty appeal ITA No.773/Hyd/2019 being consequential in nature.

5. Both these assessee's appeals are treated as allowed for statistical purposes in above terms. A copy of this common order be placed in the respective case files.

Order pronounced in the open court on 28th May, 2021

Sd/-
(LAXMI PRASAD SAHU)
ACCOUNTANT MEMBER

Hyderabad,
Dated: 28-05-2021

TNMM

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

Copy to :

*1.Saahi Systems Private Limited, #101, City Centre,
Himayatnagar, Hyderabad.*

2.The Income Tax Officer, Ward-3(1), Hyderabad.

3.CIT(Appeals)-3, Hyderabad.

4.Pr.CIT-3, Hyderabad.

5.D.R. ITAT, Hyderabad.

6.Guard File.