

**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. 263/HYD/2019

Assessment Year: 2011-12

Grandhi Enterprises
Private Limited,
BANGALORE
[PAN: AAACB4571A]

(Appellant)

Vs Deputy Commissioner
of Income Tax,
Circle-2(2),
HYDERABAD

(Respondent)

For Assessee : Shri Jagadish Jogi K. AR
For Revenue : Shri Sunil Kumar Pandey, DR

Date of Hearing : 28-04-2021

Date of Pronouncement : 14-06-2021

ORDER

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

This assessee's appeal for AY.2011-12 arises from the CIT(A)-2, Hyderabad's order dated 29-01-2019 passed in case No.10079/2017-18/CIT(A)-2, in proceedings u/s.154 of the Income Tax Act, 1961 [in short, 'the Act'].

Heard both the parties. Case file perused.

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

"Ground I : Short grant of Interest U/s.244A:

1. On the facts and in the circumstances of the case and in law, the learned CIT(A) has erred in upholding the action of the Deputy

Commissioner of Income-tax, Circle 2(2), Hyderabad (hereinafter referred to as AO) in granting interest under section 244A at Rs.2,24,429/- as against the correct amount of interest of Rs.2,56,492/- resulting in short allowance of interest U/s 244A by Rs.32,063/- while issuing the Income tax refund order as well as upon disposal of application u/s 154 filed by the appellant.

2. The appellant prays that the Assessing Officer be directed to allow further interest of Rs.32,063/- on tax refund amount in accordance with the provisions of section 244A of the Income tax Act, 1961.

Ground II: Short grant of Interest U/s 244A:

1. On the facts and in the circumstances of the case and in law, the learned CIT(Appeals) has erred in holding that claim of short grant of interest U/s 244A should have been made by way of appeal against the intimation U/s 143(1) and subsequently made pursuant to rejection of application U/s 154 against the assessment order U/s 143(3) cannot be allowed.

2. The appellant therefore prays that the Assessing Officer be directed to allow Interest u/s 244A to which the appellant is entitled to in accordance with the provision of Income tax Act, 1961.

Ground III: The Appellant craves leave to add, alter and/or amend all or any of the foregoing grounds of appeal”.

3. We have given our thoughtful consideration to rival pleadings against and in support of the learned lower authorities' action declining the assessee's interest relief claim u/s.244 of the Act. Both the learned representatives failed to dispute that the instant lis raises more a reconciliation than any substantive issue regarding correct amount of interest having difference of Rs.32,063/- as per the taxpayer's and the Revenue's stands; respectively (supra).

Faced with this situation, we deem it appropriate to direct the Assessing Officer to verify all the corresponding necessary facts regarding the assessee's instant grievance of short grant of interest u/s.244A of the Act. The assessee or its learned authorised representative shall appear before the

Assessing Officer on or before 31-10-2021; with all necessary details; at its own risk and responsibility to be put to factual verification within three effective opportunities of hearing.

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

Order pronounced in the open court on 14th June, 2021

Sd/-
(LAXMI PRASAD SAHU)
ACCOUNTANT MEMBER

Hyderabad,
Dated: 14-06-2021

TNMM

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

Copy to :

1. Grandhi Enterprises Private Limited, No.25/1, Skip House, Museum Road, Bangalore.

2. The Deputy Commissioner of Income Tax, Circle-2(2), Hyderabad.

3. CIT(Appeals)-2, Hyderabad.

4. Pr. CIT-2, Hyderabad.

5. D.R. ITAT, Hyderabad.

6. Guard File.