

IN THE INCOME TAX APPELLATE TRIBUNAL KOLKATA,
"SMC" BENCH, KOLKATA

Before Shri Sanjay Garg, Judicial Member

आयकर अपील सं.य/
ITA No. 2342/Kol/2019
Assessment Year:2012-13

M/s. Cattle Feed Plant Cossimbazar, Berhampore, Murshidabad-742102, West Bengal. PAN: AAAAC9374Q	बनाम/ V/s.	I.T.O., Ward 42(3), Murshidabad, Aaykar Bhawan, 39 R.N Tagore Road, Berhampore, Murshidabad-742101, West Bengal
अपीलार्थी /Appellant	..	प्रत्यर्थी /Respondent

Hearing through video Conferencing

अपीलार्थी की ओर से/By Appellant	Shri Sanjib Das, Advocate, AR
प्रत्यर्थी की ओर से/By Respondent	Shri Jayanta Khanra, JCIT, Sr.DR
सुनवाई की तारीख/Date of Hearing	07-07-2021
घोषणा की तारीख/Date of Pronouncement	07-07-2021

आदेश /O R D E R

The present appeal has been preferred by the assessee against the order dated 09-06-2019 of the Commissioner of Income Tax (Appeals), 12, Kolkata [hereinafter referred to as 'CIT(A)'].

2. The assessee in this appeal has taken the following grounds of appeal :-

- 1. That on the facts and circumstances of the case, the Ld. CIT(A) erred in passing the order appealed against sustaining and confirming the additions made in the assessment order on account 'Interest on Investment' amounted to Rs. 31,24,924/- without considering the facts of the case in proper perspective.*
- 2. That n the facts and in the circumstances of the case, the Ld. CIT(A) erred in sustaining the addition of Rs. 6,42,393/- on account of payment of 'Provision for Gratuity'.*

3. *That on the facts and in the circumstances of the case, the Ld. CIT(A) erred in sustaining the additions of Rs. 31,24,924/- under the head 'Interest on Investment' and Rs. 6,42,393/-.*

4. *That the appellant craves leave to urge such other ground or Same as above grounds before or at the time of hearing of appeal.*

Ground no. 1

3. Vide ground no. 1, the assessee has contested the confirmation of addition made by the Learned Assessing Officer (in short, the Ld. AO) on account of debit of some amount out of interest income shown in earlier year(s) in the profit & loss accounts. During the assessment proceedings, the Ld. AO noted that the assessee has debited an amount of Rs. 31,24,924/- in the P & L account under the head 'Interest on Investment'. On being asked to explain, the assessee explained that due to some mistake in the earlier years the said amount was credited as income. However, when the mistake was pointed out by the Audit Party, the rectification entry was passed during the current year debiting the amount of Rs. 31,24,924/- out of the interest income credited in earlier years. However, the Ld. AO disallowed the said debit of the amount observing that the said transaction did not belong to the current year.

The Ld. CIT(A) confirmed the disallowance so made by the Ld. AO.

4. I have heard the rival contentions and also have gone through the record. Admittedly, the assessee has not debited the said amount on account of any transaction of expenditure. The case of the assessee is that a wrong credit by mistake was made in the earlier year and that the rectification entry has been made in this year. The Ld. DR has been fair enough to submit that if it is a case of any mistaken entry and rectification thereof, the matter may be restored to the file of Ld. AO for verification of the said fact. The Learned Counsel for the assessee has also made similar request.

5. In view of the submissions of both the Id. Representative of the parties, this issue is restored to the file of the Ld. AO for the limited purpose for verification of the fact as to whether the aforesaid amount of Rs. 31,24,924/- was debited on account of a wrong credit made in the earlier year by mistake. If the contention of the assessee is proved, then no disallowance will be attracted in this case.

Ground no.2

6. Ground no. 2 as stated above, he does not press for ground no. 2 . Ground no. 2 is, therefore, dismissed as not pressed.

Ground no. 3

7. Ground no. 3 is repetition of ground no. 1 & 2, therefore no separate adjudication is required.

Ground no. 4

8. Ground no. 4 is general in nature.

In view of discussion made above, the appeal of the assessee is treated as partly allowed for statistical purpose.

Order pronounced on 07-07- 2021

Sd/-
(Sanjay Garg)
Judicial Member

दिनांक:- 07-07-2021 कोलकाता/Kolkata

**PP/Sr.PS

आदेश की प्रतिलिपि अग्रेषित / Copy of Order Forwarded to:-

1. अपीलार्थी/Appellant/Assessee: M/s. Cattle Feed Plant, Cossimbazar, Berhampore, Murshidabad-742102, W.B.
2. प्रत्यर्थी/Respondent- Income Tax Officer, Ward-42(3), Aaykar Bhawan, 39, R.N. Tagore Road, Berhampore, Murshidabad-742102, W.B.
3. संबंधित आयकर आयुक्त / Concerned CIT
4. आयकर आयुक्त- अपील / CIT (A)
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण कोलकाता / DR, ITAT, Kolkata
6. गार्ड फाइल / Guard file.

By order/आदेश से,

/True Copy/

Senior Private Secretary, D.D.O
ITAT, Kolkata