

**IN THE INCOME TAX APPELLATE TRIBUNAL "B" BENCH, PUNE
(THROUGH VIRTUAL COURT)**

**BEFORE SHRI INTURI RAMA RAO, AM
AND
SHRI PARTHA SARATHI CHAUDHURY, JM**

**आयकर अपील सं. / ITA No.1940/PUN/2019
निर्धारण वर्ष / Assessment Year : 2013-14**

The Income-tax Officer,
Ward 6(1), Pune

.....अपीलार्थी / Appellant

बनाम / V/s.

M/s. Shriniwas Engineering
Auto Components Pvt. Ltd.,
Office No.5, Mansara Apartment,
1108/4, University Road,
Pune - 411016

PAN: AAJCS8944F

.....प्रत्यर्थी / Respondent

Assessee by : Shri Hari Krishan
Revenue by : Shri Deepak Garg

सुनवाई की तारीख / Date of Hearing : 12-07-2021

घोषणा की तारीख / Date of Pronouncement : 12-07-2021

आदेश / ORDER

PER PARTHA SARATHI CHAUDHURY, JM :

This appeal preferred by the Revenue emanates from the order of the
Ld. CIT(A)-4, Pune, dated 17.09.2019.

2. Brief facts of the case are that the assessee filed return of income for
A.Y. 2013-14 on 30.09.2013 declaring total income of Rs.9,59,99,520/-

and a revised return on 29.11.2014 declaring income of Rs.7,24,92,650/-. The original assessment u/s 143(3) of the Income-tax Act, 1961 (hereinafter referred to as 'the Act') was finalized on 23.03.2016 assessing the total income at Rs.10,76,64,484/-. Subsequently, the Pr. Commissioner of Income Tax – 3, Pune (hereinafter referred to as 'PCIT') passed an order u/s 263 of the Act dated 30.03.2018 wherein the AO was directed to examine (a) the receipts under the head 'Package Scheme Incentive Accrued' in the light of facts and findings in the case of Sahney Steel & Press Works Ltd. and (b) genuineness of share capital amount and share premium including applicability of section 68 and section 56(2)(viib)/Rule 11UA. The AO passed the order u/s 143(3) r.w.s. 263 of the Act on 26.12.2018 assessing the income at Rs.30.47,04,860/-. The assessee challenged the same before the ld. CIT(A). The ld. CIT(A) allowed the appeal of assessee, against which the Revenue is in appeal before us.

3. At the very outset, Ld. Counsel for the assessee submitted that the order passed by the PCIT u/s 263 of the Act is not maintainable as the same has been quashed by the Pune Bench of Tribunal. The ld. DR fairly admitted the proposition raised by ld. AR.

4. After considering the rival submissions and material on record, it is observed that the Pune Bench of Tribunal in assessee's own case in ITA No.777/PUN/2018, relating to A.Y. 2013-14 vide order date 28.02.2019 has quashed the order passed by PCIT u/s 263 of the Act on 30.03.2018 as null and void. In view of the order passed by PCIT has already been

dismissed by the Tribunal, the present appeal also stands dismissed.
Thus, the grounds raised by Revenue are dismissed.

5. In the result, the appeal of Revenue is dismissed.

Order pronounced in the open court on 12th July, 2021.

Sd/-
(INTURI RAMA RAO)
ACCOUNTANT MEMBER

Sd/-
(PARTHA SARATHI CHAUDHURY)
JUDICIAL MEMBER

पुणे / Pune; दिनांक / Dated : 12th July, 2021
GCVSR

आदेश की प्रतिलिपि अग्रेषित / Copy of the Order forwarded to :

1. अपीलार्थी / The Appellant.
2. प्रत्यर्थी / The Respondent
3. The CIT (Appeals)-4, Pune.
4. The Pr. CIT-3, Pune.
5. DR, ITAT, "B" Bench, Pune.
6. गार्ड फ़ाइल / Guard File.

//सत्यापित प्रति// True Copy// आदेशानुसार / BY ORDER,

वरिष्ठ निजी सचिव / Sr. Private Secretary
आयकर अपीलीय अधिकरण, पुणे / ITAT, Pune