

**IN THE INCOME TAX APPELLATE TRIBUNAL
KOLKATA 'B' BENCH, KOLKATA
{VIRTUAL COURT HEARING}**

(Before Shri P.M. Jagtap, Hon'ble Vice-President, KZ & Ms. Madhumita Roy, Hon'ble Judicial Member)

**ITA No. 2280/Kol/2019
Assessment Year: 2012-13**

Eastern Auto Investo Pvt. Ltd.....Appellant
67, Bentinck Street
1st Floor
Kolkata - 700 069
[PAN : AAACE 6147 K]

Vs.

Income Tax Officer, Ward-3(1), Kolkata.....Respondent

Appearances by:

None, appeared on behalf of the assessee.

Shri Vijay Shankar, CIT, D/R, appearing on behalf of the Revenue.

Date of concluding the hearing : August 24th, 2021

Date of pronouncing the order : August 24th, 2021

ORDER

Per P.M. Jagtap, Vice-President, KZ :-

This appeal filed by the assessee is directed against the order of the Learned Commissioner of Income Tax (Appeals) - 17, Kolkata, (hereinafter the 'ld. CIT(A)'), dt. 15/03/2019, wherein he upheld the order passed by the Assessing Officer u/s 154 of the Income Tax Act, 1961 (the 'Act'), dt. 28/03/2015.

2. The assessee in the present case is a company which filed its return of income for the year under consideration on 25/09/2012 declaring a loss of Rs.1,20,152/-. The said return was selected for scrutiny and notice u/s 143(2) of the Act, issued by the Assessing Officer on 06/08/2013. During the year under consideration, share capital of Rs.9,87,500/- was raised by the assessee company at a premium of Rs.4,95,00,000/-. Further, share application money of Rs.9,63,50,000/- was also received by the assessee company during the year under consideration. In the assessment completed u/s 144 of the Act, the total income of the assessee company was determined by the Assessing Officer at Rs.15,62,97,564/- after making *interalia* additions on account of share capital, share premium and share application money received by the assessee company during the year under consideration. In the Income tax computation form attached to the said order, the total income of the assessee company, however, was taken by the Assessing Officer at Rs. 6,00,67,720/- as against the total income of Rs.15,62,97,564/- determined in the assessment order. After noticing this mistake, an order u/s 154 of the Act was passed by the Assessing Officer on 28/03/2015 determining the tax payable by the

assessee with reference to the total income of the assessee at Rs.15,62,97,564/- as determined in the assessment order.

3. Against the order passed u/s 154 of the Act, an appeal was preferred by the assessee before the ld. CIT(A) and since the submissions made on behalf of the assessee company in support of its case was not found acceptable by him, the ld. CIT(A) upheld the rectification order passed by the Assessing Officer u/s 154 of the Act for the following reasons:-

"4. I find that there is no merit in the submissions of the Appellant. The A.O. has correctly taken the income which was determined at Rs.15,62,97,564/- as assessed income while originally passing the assessment order. However, the assessed income was wrongly taken as Rs.6,00,76,720/- and subsequently taxed thereon resulted in mistake as apparent from record. Further, the same was subsequently rectified u/s. 154 which is in order. Accordingly, the appeal of the appellant is dismissed."

Aggrieved by the order of the ld. CIT(A), the assessee has preferred this appeal before the Tribunal.

5. At the time of hearing fixed in this case today before the Tribunal, none has appeared on behalf of the assessee. This appeal of the assessee is, therefore, being disposed off *ex-parte* after considering the arguments of the ld. D/R and perusing the relevant material available on record. As pointed out by the ld. D/R, from Ground No. 3 raised by the assessee company in this appeal and further corroborated from the statement of facts furnished by the assessee company before the ld. CIT(A), the total income of the assessee for the year under consideration was determined by the Assessing Officer vide an order passed u/s 144 of the Act at Rs.15,62,97,564/-. However, while computing the tax payable by the assessee in the Income tax computation form attached with the assessment order, the total income of the assessee was wrongly considered by the Assessing Officer at Rs. 6,00,76,720/- as against the total income of the Rs.15,62,97,564/- determined in the assessment order. There was thus a clear mistake committed by the Assessing Officer and since the same was apparent from record, we find merit in the contention of the ld. D/R that it was rightly rectified by the Assessing Officer vide an order dt. 28/03/2015 passed u/s 154 of the Act. In that view of the matter, we find no infirmity in the order of the ld. CIT(A) upholding the order of

the Assessing Officer u/s 154 of the Act and upholding the same, we dismiss this appeal filed by the assessee.

6. In the result, appeal of the assessee is dismissed.

Kolkata, the 24th day of August, 2021.

Sd/-

[Madhumita Roy]
Judicial Member

Dated: 24.08.2021
{SC SPS}

Copy of the order forwarded to:

1. ***Eastern Auto Investo Pvt. Ltd***
67, Bentinck Street
1st Floor
Kolkata - 700 069

2. ***Income Tax Officer, Ward-3(1), Kolkata***

3. CIT(A)-
4. CIT- ,
5. CIT(DR), Kolkata Benches, Kolkata.

Sd/-

[P.M. Jagtap]
Vice-President

True copy
By order

Assistant Registrar/DDO
ITAT, Kolkata Benches