

आयकर अपीलीय अधिकरण “जी” न्यायपीठ मुंबई में।
IN THE INCOME TAX APPELLATE TRIBUNAL
“G” BENCH, MUMBAI

माननीय श्री विकास अवस्थी, न्यायिक सदस्य एवं
माननीय श्री मनोज कुमार अग्रवाल, लेखा सदस्य के समक्ष।
BEFORE HON’BLE SHRI VIKAS AWASTHY, JM AND
HON’BLE SHRI MANOJ KUMAR AGGARWAL, AM
(Hearing through Video Conferencing Mode)

आयकर अपील सं./ I.T.A. No.6422/Mum/2018
(निर्धारण वर्ष / Assessment Year: 2015-16)

M/s Saidpur Jute Company Ltd. Bharat Insurance Bldg, 3 rd floor, 15A, Horiman Circle Fort, Mumbai-400 023	बनाम/ Vs.	ACIT-2(3)(2) R. No. 552, Aayakar Bhavan, M. K. Road, Mumbai-400 020
स्थायीलेखासं ./जीआइआरसं ./PAN/GIR No. AAHCS-0816-Q		
(अपीलार्थी/ Appellant)	:	(प्रत्यर्थी / Respondent)

Assessee by	:	Shri Haresh Purushottamdas Shah– Ld. AR
Revenue by	:	Shri T. S. Khalsa– Ld. Sr. DR

सुनवाई की तारीख/ Date of Hearing	:	18/08/2021
घोषणा की तारीख / Date of Pronouncement	:	25/08/2021

आदेश / O R D E R

Manoj Kumar Aggarwal (Accountant Member)

1. The sole grievance of the assessee in captioned appeal for Assessment Year (AY) 2015-16 is the fact that depreciation claimed by the assessee at higher rate of 80% on certain capital asset has been denied by lower authorities.
2. Upon hearing, it transpires that AY 2014-15 is the first year of such claim and the appeal for that year is pending before learned first

appellate authority. The Ld. DR submitted that the appeal may be restored back to the file of Ld. CIT(A) to take a consistent view in the matter. The Ld. AR submitted that the assessee be allowed hearing to substantiate the claim.

3. The material facts are that the assessee claimed depreciation of 80% on all assets forming part of Solar Power Generating System. Though Ld. AO allowed higher depreciation on main items, however, such higher depreciation was denied on remaining items as done in AY 2014-15. The stand of Ld. AO, upon confirmation by Ld. CIT(A), is in further challenge before us.

4. It is evident that AY 2014-15 is the first year of such claim and Ld. AO has followed the findings of AY 2014-15 in this year. Since the appeal for AY 2014-15 is already pending before learned first appellate authority, we deem it fit to restore this appeal also back to the file of Ld. CIT(A) to take consistent stand in the matter. Needless to add that sufficient opportunity of hearing shall be granted to the assessee before adjudicating the issue.

5. The appeal stand allowed for statistical purposes.

Order pronounced on 25th August, 2021.

Sd/-

(Vikas Awasthy)

न्यायिक सदस्य / **Judicial Member**

Sd/-

(Manoj Kumar Aggarwal)

लेखा सदस्य / **Accountant Member**

मुंबई Mumbai; दिनांक Dated : 25/08/2021
Sr.PS, Dhananjay

आदेशकीप्रतिलिपिअग्रेषित/Copy of the Order forwarded to :

1. अपीलार्थी/ The Appellant
2. प्रत्यर्थी/ The Respondent
3. आयकरआयुक्त(अपील) / The CIT(A)
4. आयकरआयुक्त/ CIT– concerned
5. विभागीयप्रतिनिधि, आयकरअपीलीयअधिकरण, मुंबई/ DR, ITAT, Mumbai
6. गार्डफाईल / Guard File

आदेशानुसार/ BY ORDER,

उप/सहायक पंजीकार (Dy./Asstt.Registrar)
आयकरअपीलीयअधिकरण, मुंबई / ITAT, Mumbai.