

**IN THE INCOME TAX APPELLATE TRIBUNAL
HYDERABAD BENCHES "B" : HYDERABAD
(THROUGH VIDEO CONFERENCE)**

**BEFORE SHRI S.S.GODARA, JUDICIAL MEMBER
AND
SHRI INTURI RAMA RAO, ACCOUNTANT MEMBER**

I.T.A. No.503/HYD/2020

Assessment Year: 2018-19

The Assistant Commissioner
of Income Tax, Circle-8(1),
(*Erstwhile jurisdiction: DCIT,
Circle-17(1), Hyderabad*)
Hyderabad

M/s.Deloitte And Touche
Assurance And Enterprise
Vs Risk Services India Private
Limited,
Hyderabad
[PAN: AABCD9794N]

(Appellant)

(Respondent)

For Revenue : Shri Rohit Mujumdar for
Shri Srikanth, DR

For Assessee : Shri S.P.Chidambaram, AR

Date of Hearing : 20-09-2021

Date of Pronouncement : 21-09-2021

ORDER

PER BENCH :

This Revenue's appeal for AY.2018-19 arises from the CIT(A)-5, Hyderabad's order dated 13-07-2020 passed in case No.10233 / 2019-20 / CIT(A)-5, involving proceedings u/s. 143(1) of the Income Tax Act, 1961 [in short, 'the Act'].

2. Coming to the sole substantive issue of ESI/PF disallowance of Rs.2,05,22,220/- which stands deleted in the CIT(A)'s order, the assessee's and Revenue's plea before us are

that the same had been paid before the due date of filing Sec.139(1) return and after the due date prescribed in the corresponding statutes; respectively. We notice in this factual backdrop that the legislature has not only incorporated necessary amendment in Sections 36(1)(va) but also u/s.43B of the Act vide Finance Act, 2021 followed by the CBDT's Memorandum of Explanation that the same applies w.e.f. 01-04-2021 only. It is further not an issue that the foregoing legislative amendments have proposed employers' contribution/disallowance u/s.43B as against employee's contribution u/s.36 (va) of the Act; respectively. However, keeping in mind the fact that the same has been clarified to be applicable w.e.f.01-04-2021 only. We hold that the impugned disallowance has been rightly deleted in the CIT(A)'s order in view of all these latest developments. The Revenue fails in its sole substantive grievance therefore.

3. This Revenue's appeal is dismissed in above terms.

Order pronounced in the open court on 21st September, 2021

Sd/-
(INTURI RAMA RAO)
ACCOUNTANT MEMBER

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

Hyderabad,
Dated: 21-09-2021

Copy to :

1.The Assistant Commissioner of Income Tax, Circle-8(1), Hyderabad. (Erstwhile jurisdiction: DCIT, Circle-17(1), Hyderabad).

2.M/s.Deloitte And Touche Assurance And Enterprise Risk Services India Private Limited, Deloitte Tower 1, 13th Floor, Sy.No.41, Gachibowli, Hyderabad.

3.CIT(Appeals)-5, Hyderabad.

4.Pr.CIT-5, Hyderabad.

5.D.R. ITAT, Hyderabad.

6.Guard File.