

आयकर अपीलीय अधिकरण, 'बी' न्यक्षपीठ, चेन्नई।
IN THE INCOME TAX APPELLATE TRIBUNAL
'B' BENCH: CHENNAI

श्री वी दुर्गा राव, न्यक्षिक सदस्य एवं श्री जी मंजूनथा, लेखा सदस्य के समक्ष
BEFORE SHRI V. DURGA RAO, JUDICIAL MEMBER AND
SHRI G. MANJUNATHA, ACCOUNTANT MEMBER

आयकर अपील सं./ITA No.2225/Chny/2018
निर्धारण वर्ष /Assessment Year: 2013-14

The Asst. Commissioner of
Income Tax,
Corporate Circle-6(1),
Chennai.

M/s. Sak Industries Pvt. Ltd.,
27-F, Ranjith Road, Kotturpuram,
Vs. Chennai – 600 085.
[PAN: AAGCS 3326Q]

(अपीलार्थी/**Appellant**)

(प्रत्यर्थी/**Respondent**)

अपीलार्थी की ओर से/ Appellant by

: Mr. G. Johnson, Addl. CIT

प्रत्यर्थी की ओर से /Respondent by

: Mr. Sanjeev Aditya M, CA

सुनवाई की तारीख/Date of Hearing

: 06.09.2021

घोषणा की तारीख /Date of Pronouncement

: 24.09.2021

आदेश / ORDER

Per V. Durga Rao, Judicial Member:

This appeal filed by the Revenue is directed against the order of the learned Commissioner of Income Tax (Appeals)-15, Chennai in I.T.A No.66/2016-17/CIT(A)-15 dated 26.04.2018 relevant to the Assessment Year 2013-14.

2. The only issue involved in this appeal is with regard to s. 40A(2)(b) of the Income Tax Act, 1961. The facts are in brief that the gross receipts do not tally with the Individual Transaction Statement.

The A.O has simply added the difference worked out by him. Before the Ld. CIT(A), it was submitted by the assessee that the ITRs and Service Tax Returns are fully reconciled. The A.O had not given the break-up of ITS and no opportunity was given to the assessee to reconcile the difference. The Ld. CIT(A) by considering the submissions of the assessee, directed the A.O to verify the assessee's reconciliation and to delete the addition if the assessee's submission is factually correct with reference to the assessment record.

3. We have heard both the sides, perused the materials available on record and gone through the orders of the authorities below. In this case, the Assessing Officer has, neither gave the break-up of ITS nor an opportunity to the assessee to reconcile the difference crept in the AIR data. Before the Id. CIT(A), the assessee has furnished the break-up of income offered to tax as per books of accounts and income as per service tax return and ITS. Therefore, the Id. CIT(A) has rightly directed the Assessing Officer to verify the assessee's reconciliation by giving an opportunity of being heard to the assessee. Thus, we find no infirmity in the order passed by the Ld. CIT(A). Accordingly, this ground of appeal raised by the Revenue is dismissed.

4. In the result, the appeal in ITA No.2225/Chny/2018 filed by the Revenue is dismissed.

Order pronounced on 24th September, 2021 in Chennai.

Sd/-
(श्री जी मंजूनथ) [Signature]
(G. MANJUNATHA)

लेखक सदस्य/**ACCOUNTANT MEMBER**

Sd/-
(वी दुर्गा राव) [Signature]
(V. DURGA RAO)

न्यायिक सदस्य/**JUDICIAL MEMBER**

चेन्नई/Chennai, दिनांक/Dated: 24th September, 2021.

EDN/-

आदेश की प्रतिलिपि अग्रेषित/**Copy to:**

1. अपीलार्थी/Appellant 2. प्रत्यर्थी/Respondent 3. आयकर आयुक्त (अपील)/CIT(A) 4. आयकर आयुक्त/CIT 5. विभागीय प्रतिनिधि/DR 6. गार्ड फाईल/GF