

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

**BEFORE SHRI S.S.GODARA, JUDICIAL MEMBER  
AND  
SHRI LAXMI PRASAD SAHU, ACCOUNTANT MEMBER**

**I.T.A. No.734/HYD/2020**

Assessment Year: 2018-19

Sree Sai Roller Flour Mill Private Limited, HYDERABAD [PAN: AAECs1629J]  (Appellant)	Vs	Deputy Commissioner of Income Tax, Circle-3(2), HYDERABAD  (Respondent)
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For Assessee : Shri Shikha Mantri, AR  
For Revenue : Shri Rohit Mujumdar, DR

Date of Hearing : 30-09-2021  
Date of Pronouncement : 08-10-2021

**ORDER**

**PER S.S.GODARA, J.M. :**

This assessee's appeal for AY.2018-19 arises from the CIT(A)-3, Hyderabad's order dated 21-09-2020 passed in case No.10030 / 2020-21 / C / CIT(A)-3, involving proceedings u/s. 154 of the Income Tax Act, 1961 [in short, 'the Act'].

Heard both the parties. Case file perused.

2. The assessee's sole substantive grievance raised in the instant appeal challenges correctness of ESI/PF disallowance of Rs.1,52,684/- made in both the lower proceedings. The assessee's and Revenue's pleas before us *inter alia* are that the same has been paid before the due date of filing Sec.139(1)

return and after the due date prescribed in the corresponding statute(s); respectively. We notice in this factual backdrop that the legislature has not only incorporated necessary amendment in Sections 36(1)(va) as well as u/s. 43B vide Finance Act, 2021 to this effect but also the CBDT has issued 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 only with prospective effect from 01-04-2021 only, we hold that the impugned disallowance is not sustainable in view of all these latest developments. The same is deleted therefore.

No other ground has been pressed before us.

3. This assessee's appeal is allowed in above terms.

*Order pronounced in the open court on 8<sup>th</sup> October, 2021*

Sd/-

**(LAXMI PRASAD SAHU)**  
**ACCOUNTANT MEMBER**

Hyderabad,  
Dated: 08-10-2021

TNMM

Sd/-

**(S.S.GODARA)**  
**JUDICIAL MEMBER**

*Copy to :*

*1.Sree Sai Roller Flour Mill Private Limited, Survey No.656, Shamshabad Mandal, Gaganpahad, Hyderabad.*

*2.The Deputy Commissioner of Income Tax, Circle-3(2), Hyderabad.*

*3.CIT(Appeals)-3, Hyderabad.*

*4.Pr.CIT-1, Hyderabad.*

*5.D.R. ITAT, Hyderabad.*

*6.Guard File.*