

**IN THE INCOME TAX APPELLATE TRIBUNAL
“A”BENCH: BANGALORE**

**BEFORE SHRI N.V. VASUDEVAN, VICE PRESIDENT
AND
SHRI B.R. BASKARAN, ACCOUNTANT MEMBER**

IT(TP)A No.27/Bang/2017
Assessment Year:2013-14

M/s. Cauvery Aqua Pvt. Ltd. #5/1 & 5/2, 1 st Main Road Jayahmahal Extension Bangalore 560 046 PAN NO :AAACC7357B	Vs.	Deputy Commissioner of Income-tax Central Circle-2(3) Bangalore
APPELLANT		RESPONDENT

Appellant by	:	Shri V. Srinivasan, A.R.
Respondent by	:	Ms. Neera Malhotra, D.R.

Date of Hearing	:	04.08.2021
Date of Pronouncement	:	22.10.2021

CORRIGENDUM

PER B.R. BASKARAN, ACCOUNTANT MEMBER:

This appeal was disposed of by the bench, vide its order dated 11.10.2021, wherein the issue relating to transfer pricing adjustment of Rs.1,36,59,869/- was adjudicated. We notice that the assessee has also raised one more ground with regard to the addition of undisclosed income of Rs.1,91,00,000/-, being the amount shown in the ledger titled as “Prakash Ladhani imprest account”. The above said ground was not adjudicated by the Tribunal.

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2. It is pertinent to mention that the identical addition of undisclosed income shown in ledger account “Prakash Ladhani imprest” was made by the A.O. in assessment years 2011-12 & 2012-13. This bench, vide its order of even date i.e., 11.10.2021, had confirmed the order passed by Ld. CIT(A) in deleting the above said addition in AY 2011-12 and 2012-13 for detailed reasons mentioned therein.

3. The A.O. had also made protective addition of the above said undisclosed income in the hands of Shri Prakash Ladhani in assessment years 2011-12 to 2013-14. While studying the appeal filed by Prakash Ladhani, the mistake committed by the bench in not disposing of the ground relating to undisclosed income urged in 2013-14 by M/s. Cauvery Aqua Pvt. Ltd. came to the notice of the bench. Since the facts and circumstances relating to the addition made in assessment year 2013-14 are identical with the facts and circumstances of identical addition made in assessment years 2011-12 & 2012-13, and since the said addition made in those two assessment years has been deleted by the Tribunal, vide its order dated 11.10.2021 passed in ITA Nos.67 & 68/Bang/2018 and since the said order shall cover the issue in assessment year 2013-14 also, we deem it proper to issue this corrigendum on our own motion in order to rectify the mistake apparent on record.

4. Accordingly, this Corrigendum is issued to make following rectifications in the order dated 11.10.2021 passed in the above said appeal.

(a) In the paragraph of page 1, the word “only” mentioned in the 5th line of the paragraph shall stand omitted.

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(b) Following sentence shall be added as last line in the paragraph of Page 1.

“The assessee is also contesting the addition of Rs.1,91,00,000/- made by the A.O. as undisclosed income”.

(c) The paragraph no.7 shall be renumbered as 8.

(d) The following new paragraph 7 is added.

“7. The next issue urged by the assessee relates to addition of undisclosed income of Rs.1,91,00,000/-. We have considered an identical issue in the assessee’s own case in assessment year 2011-12 & 2012-13 in ITA Nos.67 & 68/Bang/2018 and, vide our order dated 11.10.2021, we have held that the addition of undisclosed income will not arise when all the transactions are duly recorded in the books of account. Accordingly, we have confirmed the decision of Ld. CIT(A) rendered in assessment years 2011-12 & 2012-13 in deleting identical addition made in those years. Since facts and circumstances surrounding this issue are identical in nature, following our decision rendered in assessment years 2011-12 & 2012-13, we direct the A.O. to delete the addition of undisclosed income of Rs.1,91,00,000/- made in this year.”

Corrigendum is issued on 22nd Oct, 2021.

Sd/-
(N.V. Vasudevan)
Vice President

Sd/-
(B.R. Baskaran)
Accountant Member

Bangalore,
Dated 22nd Oct, 2021.
VG/SPS

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Copy to:

1. The Applicant
2. The Respondent
3. The CIT
4. The CIT(A)
5. The DR, ITAT, Bangalore.
6. Guard file

By order

Asst. Registrar, ITAT, Bangalore.