

आयकर अपीलीय अधिकरण 'बी' न्यायपीठ चेन्नई में।
IN THE INCOME TAX APPELLATE TRIBUNAL
"B" BENCH, CHENNAI

माननीय श्री वी. दुर्गा राव, न्यायिक सदस्य एवं
माननीय श्री मनोज कुमार अग्रवाल, लेखा सदस्य के समक्ष।
BEFORE HON'BLE SHRI V. DURGA RAO, JUDICIAL MEMBER AND
HON'BLE SHRI MANOJ KUMAR AGGARWAL, AM

आयकर अपील सं./ ITA No.1255/Chny/2018
(निर्धारण वर्ष / Assessment Year: 2014-15)

Income Tax Officer Corporate Ward-6(3) Aaykar Bhawan, New Block, 7 th Floor 121, M.G.Road, Chennai – 600 034	बनाम/ Vs.	M/s Soundararaja Mills Ltd. No.1, Soundararaja Building G.T.N. Salai, N.G.O. Colony, Dindigul – 624 005.
स्थायी लेखा सं./जीआइ आर सं./PAN/GIR No. AAACS-8799-R		
(□ पीलार्थी/ Appellant)	:	(प्रत्यर्थी / Respondent)

अपीलार्थी की ओरसे/ Appellant by	:	Shri R.Kumar (Advocate)-Ld. AR
प्रत्यर्थी की ओरसे/ Respondent by	:	Shri D.V.Subba Rao (Addl.CIT)-Ld.DR

सुनवाई की तारीख/ Date of Hearing	:	02/12/2021
घोषणा की तारीख / Date of Pronouncement	:	07/12/2021

आदेश / ORDER

Manoj Kumar Aggarwal (Accountant Member)

1. Aforesaid appeal is a recalled matter for the limited purpose of adjudication of ground no.4 since the appeal was initially disposed-off vide order dated 19/08/2019. However, the revenue preferred miscellaneous petition against the same which was allowed in MP No.8/CHNY/2020 since ground no.4 remained to be adjudicated in the

original order. Accordingly, the appeal has been placed before us for adjudication of ground no.4 of revenue's appeal which read as under:-

4. The Ld CIT(A) erred in directing AO to delete the addition of Rs.4,25,987/- as interest receipts u/s 26AS provide the credit for TDS for next assessment year 2015-16,

4.1 The Ld CIT ought to have appreciated that as per section 251(1)(a) of the Act, the "Power to set aside" or "examining the issue afresh" has been omitted with effect from 01.06.2001 as per the Finance Act,2001.

4.2 The Ld CIT (A) failed to note that the interest income has accrued or aroused during the relevant previous year i.e. assessment year 2014-15. When it accrues during the AY 2014-15 itself the same cannot be deferred to the next FY.

2. Having heard rival submissions and after going through the orders of lower authorities, our adjudication would be as given in succeeding paragraphs.

3. The material facts qua the issue are that during assessment proceedings, upon perusal of Form No. 26AS, it transpired that the assessee reflected lesser interest receipts to the extent of Rs.4.25 Lacs as tabulated by Ld. AO in para 6.1 of the assessment order. The assessee submitted that these receipts were already accounted for in subsequent assessment year i.e. AY 2015-16. However, since the assessee claimed full TDS credit against the same, the differential receipts were added to the income of the assessee.

4. The Ld. CIT(A) observed that as per statutory provisions, the assessee could claim credit of TDS only in the year in which the income was offered to tax. The Ld. AO could not stretch the income of the assessee based on TDS. Since the assessee had already offered this differential receipts in next assessment year, Ld. AO was directed to verify the assessee's submissions and delete the additions in this year and provide credit of TDS in next assessment year after verifying

assessment records. Aggrieved, the revenue is in further appeal before us.

5. We find that the directions given by Ld. CIT(A) are quite logical and reasoned one since the income has already been offered by the assessee in the next assessment year. Consequently, TDS credit would be available to the assessee in next year. Adding the differential amount in this year would amount to double taxation. The Ld. AO has already been directed to verify the assessment records and provide TDS credit in the next assessment year. No doubt, if the TDS credit is allowed in next assessment year, the credit would not be available to the assessee in this assessment year. Therefore, finding no infirmity in the impugned order, we dismiss this ground of appeal.

6. The appeal remains partly allowed for statistical purposes.

Order pronounced on 7th December, 2021

Sd/-

(V.Durga Rao)

न्यायिक सदस्य / **Judicial Member**

Sd/-

(Manoj Kumar Aggarwal)

लेखा सदस्य / **Accountant Member**

चेन्नई Chennai; दिनांक Dated : 07/12/2021

TLN

आदेश की प्रतिलिपि □ ग्रेषित/Copy of the Order forwarded to :

1. अपीलार्थी/ The Appellant
2. प्रत्यर्थी/ The Respondent
3. आयकर आयुक्त(अपील) / The CIT(A)
4. आयकर आयुक्त/ CIT- concerned
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, चेन्नई / DR, ITAT, Chennai
6. गार्ड फाईल / Guard File

आदेशानुसार/ BY ORDER,

उप/सहायक पंजीकार (Dy./Asstt.Registrar)
आयकरअपीलीयअधिकरण, चेन्नई / ITAT, Chennai