

IN THE INCOME TAX APPELLATE TRIBUNAL
HYDERABAD BENCH "A", HYDERABAD
(Through Virtual Hearing)

BEFORE SHRI A. MOHAN ALANKAMONY, ACCOUNTANT MEMBER
AND
SRI S.S. GODARA, JUDICIAL MEMBER

ITA No.1081/Hyd/2019		
A.Y. 2017-18		
DCIT, Circle-1(2), Hyderabad.	Vs.	Compugain Solutions India Private Limited, Hyderabad. PAN: AADCC 1520 H
(Appellant)		(Respondent)
Assessee by	Sri C.S. Subrahmanyam	
Revenue by	Sri T. Sunil Goutam, Sr. AR	
Date of hearing:	04/01/2022	
Date of pronouncement:	11/01/2022	

ORDER

PER A. MOHAN ALANKAMONY, A.M:

This appeal is filed by the Revenue against the order of the Ld. CIT(A)-1, Hyderabad in appeal No.10219/2018-19/DCIT, CPC, Bangalore/CIT(A)-1/Hyd/2019-20, dated 24/04/2019 passed U/s. 143(1) r.w.s250(6) of the Act for the A.Y. 2017-18.

2. The Revenue has raised two grounds in its appeal and they are extracted herein below for reference:

- “1. *The Ld. CIT(A) erred in deleting the disallowance of claim of deduction U/s. 10AA by CPC is bad in law and against the provisions of the Income Tax Act.*
2. *Any other ground that may be urged at the time of hearing.”*

3. At the outset, the ld. DR submitted that the Ld. CIT (A) has remitted back the matter to the file of the Ld. AO with direction to consider the case law cited by the assessee and thereafter pass appropriate order. The Ld. DR further pointed out that the ld. CIT (A) does not have power under the provisions of the Act to remit back the matter to the Ld.AO and therefore requested the Bench to set-aside the order of the ld. CIT (A). The ld. AR on the other hand argued by stating that the assessment was completed U/s. 143(1) of the Act by the CPC without considering the claim of deduction U/s. 10AA of the Act though the assessee had filed the requisite form No. 56F of the Rules. The Ld. AR further requested that the Bench may remit back the matter to the file of the Ld. AO with direction to consider the deduction claimed by the assessee in the light of the decision cited before the Ld. CIT (A) and thereafter pass appropriate order in accordance with law and merit.

4. We have heard the rival submissions and carefully perused the materials on record and find merit in the submission of the Ld. AR. Accordingly, we hereby remit the appeal back to the file of the Ld. AO in order to consider the issue afresh in the light of the submission made by the Ld. AR before us and pass appropriate order in accordance with

law and merit after providing proper opportunity to the assessee of being heard.

5. In the result, appeal of the Revenue is allowed for statistical purposes.

Pronounced in the open Court on the 11th January, 2022.

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

Sd/-
(A. MOHAN ALANKAMONY)
ACCOUNTANT MEMBER

Hyderabad, Dated: 11th January, 2022.

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Copy to:-

- 1) **Appellant:** Deputy Commissioner of Income Tax, Circle-1(2), R.No.724, 7th Floor, B-Block, Income Tax Towers, Hyderabad.
- 2) **Respondent:** M/s. Compugain Solutions India Private Limited, Tower-2.1, Level-2A, Waverock, TSI Business Parks (Hyd) Pvt Lt., Nanakramguda, Hyderabad.
- 3) The CIT(A)-1, Hyderabad.
- 4) The Principal Commissioner of Income Tax-1, Hyderabad.
- 5) The DR, ITAT, Hyderabad
- 6) Guard File