

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

**माननीय श्री महावीर सिंह, उपाध्यक्ष एवं**  
**माननीय श्री मनोज कुमार अग्रवाल, लेखा सदस्य के समक्ष।**  
**BEFORE HON'BLE SHRI MAHAVIR SINGH, VICE PRESIDENT AND**  
**HON'BLE SHRI MANOJ KUMAR AGGARWAL, AM**

आयकर अपील सं./ **ITA No.1827/Chny/2018**  
(निर्धारण वर्ष / **Assessment Year: 2006-07**)

<b>M/s. A.R. Builders Pvt. Ltd.</b> No.41, Sattanna Naicken Street, Nehru Timber Market, Choolai, Chennai-600 112.	<b>बनाम/ Vs.</b>	<b>DCIT</b> Company Circle-1(1), Chennai.
स्थायी लेखा सं./जीआइ आर सं./ <b>PAN/GIR No.AACCA-5286-F</b>		
(□ पीलार्थी/ <b>Appellant</b> )	:	(प्रत्यर्थी / <b>Respondent</b> )

अपीलार्थी की ओरसे/ <b>Appellant by</b>	:	None
प्रत्यर्थी की ओरसे/ <b>Respondent by</b>	:	Shri P. Sajit Kumar (JCIT) –Ld. DR

सुनवाई की तारीख/ <b>Date of Hearing</b>	:	22-02-2022
घोषणा की तारीख / <b>Date of Pronouncement</b>	:	22-02-2022

**आदेश / ORDER**

**Manoj Kumar Aggarwal (Accountant Member)**

1. Aforesaid appeal by assessee for Assessment Year (AY) 2006-07 arises out of the order of learned Commissioner of Income Tax (Appeals)-1, Chennai [CIT(A)] dated 29-03-2018 in the matter of assessment framed by Ld. Assessing Officer [AO] u/s.143(3) r.w.s. 147 of the Act on 15-11-2010.

2. None appeared for assessee. The perusal of order sheet entries would show that none is appearing for assessee since last many occasions. Left with no option, we proceed to adjudicate the appeal of the assessee. In this appeal, the assessee is aggrieved by confirmation of addition of Rs.5.25 Lacs which are adjudicated in succeeding paragraphs.

3. The assessee being resident corporate is stated to be engaged in the construction & trading activities. The assessee earned rental income along with maintenance charges. However, no income was admitted out of maintenance charges rather the maintenance charges were matched against the expenses and net balance / surplus was shown as liabilities in the Balance Sheet. The Ld. AO opined that surplus would be the income of the assessee. The assessee submitted that during the year, the assessee paid excess amount of Rs.3.35 Lacs. However, considering the facts that the assessee had overall surplus of Rs.5.25 Lacs in the account, Ld. AO added the same to the income of the assessee as 'income from other sources'. The same was keeping in view the fact that the assessee had undertaken to maintain the common facilities in the building.

4. During appellate proceedings, the assessee merely submitted that the maintenance charges were not in the nature of income. The Ld. CIT(A), finding that similar disallowance was confirmed in appellate order for AY 2008-09, confirmed the stand of Ld. AO. Aggrieved, the assessee is in further appeal before us.

5. We find that no new material has been placed before us. Prima-facie the assessee has surplus in the maintenance account and as per the agreement, the assessee was obligated to maintain the common

facilities in the building. Therefore, the resultant surplus would become income of the assessee unless it was shown that the surplus was refundable to the occupants of the building. No such facts have been demonstrated. Therefore, we confirm the impugned order.

6. The appeal stands dismissed.

Order pronounced on 22<sup>nd</sup> February, 2022.

**Sd/-**  
**(MAHAVIR SINGH)**  
**उपाध्यक्ष / VICE PRESIDENT**

**Sd/-**  
**(MANOJ KUMAR AGGARWAL)**  
**लेखसदस्य / ACCOUNTANT MEMBER**

चेन्नई / Chennai; दिनांक / Dated : 22-02-2022  
EDN/-

**आदेश की प्रतिलिपि ँ ग्रेषित/Copy of the Order forwarded 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