

आयकर अपीलीय अधिकरण, 'ए' न्यायपीठ, चेन्नई।
IN THE INCOME TAX APPELLATE TRIBUNAL
'A' BENCH: CHENNAI

श्री महावीर सिंह, उपाध्यक्ष एवं श्री डॉ एम एल मीना, लेखा सदस्य के समक्ष
BEFORE SHRI MAHAVIR SINGH, VICE PRESIDENT
AND
SHRI Dr. M.L. MEENA, ACCOUNTANT MEMBER

आयकर अपील सं./ITA No.2031/Chny/2019
निर्धारण वर्ष /Assessment Year: 2011-12

Shri Venkataraman Reddy Aavula,
No.11/1, Hyper Garden,
4th Street, Jamlia Nagar,
Chennai-600 012.
[PAN: AERPV 9266Q]
(अपीलार्थी/**Appellant**)

The Income Tax Officer,
Vs. Non Corporate Ward-10(5),
Chennai.
(प्रत्यर्थी/**Respondent**)

अपीलार्थी की ओर से/ Appellant by

: Shri S. Sridhar, Advocate &
Shri N. Arjunraj, C.A

प्रत्यर्थी की ओर से /Respondent by

: Shri AR V Sreenivasan, Addl. CIT

सुनवाई की तारीख/Date of Hearing

: 07.03.2022

घोषणा की तारीख /Date of Pronouncement

: 08.03.2022

आदेश / ORDER

Per Bench:

This appeal by the assessee is arising out of the order of Commissioner of Income Tax (Appeals)-12, Chennai, in ITA No.175/CIT(A)-12/18-19 dated 25.04.2019. The Assessment was framed by Income Tax Officer, Non Corporate Ward-10(5), Chennai for the relevant A.Y. 2011-12 vide order dated 26.12.2018 u/s. 144 r/w s. 147 of the Income Tax Act, 1961 (hereinafter 'the Act').

2. At the outset, the Id. counsel for the assessee stated that the Assessing Officer (A.O) has framed reassessment exparte u/s. 144 of the Act and moreover reasons were not supplied to the assessee and completed the reassessment without adhering to the law declared by Hon'ble Supreme court in the case of *GKN Driveshafts India Ltd. Vs. ITO (2003) 259 ITR 19 (SC)*. For this, the Id. counsel for the assessee drew our attention to ground No.2, which reads as under:

"2. The CIT (Appeals) erred in sustaining the re-assessment completed under section 144 read with section 147 of the Act without adjudicating into the correctness of assuming jurisdiction for completing the said re-assessment and further erred in not adjudicating the correctness of completion of reassessment without adhering to the law declared by the Supreme Court in the case reported in 259 ITR 19 without assigning proper reasons and justification."

3. The Id. counsel for the assessee took us through the assessment order and drew our attention that the assessment is exparte and framed assessment u/s. 144 r/w s. 147 of the Act. The Id. counsel for the assessee further stated that once reasons are not supplied and the procedure laid down by Hon'ble Supreme Court in the case of *GKN Driveshafts India Ltd. Vs. ITO, supra*, has not been followed, the matter has to go back to the file of A.O for following the procedure as prescribed by Hon'ble Supreme Court in the case of *GKN Driveshafts India Ltd. Vs. ITO, supra*.

:- 3 -:

4. On the other hand, the Ld. Sr. D.R has not objected. After hearing both the sides and going through the facts of the case, we set aside the orders of the lower authorities and remand the matter back to the file of A.O and direct the A.O to follow the procedure prescribed by Hon'ble Supreme Court in the case of *GKN Driveshafts India Ltd. Vs. ITO, supra*. We direct accordingly.

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

Order pronounced on 08th day of March, 2022 in Chennai.

Sd/-
(डॉ एम एल मीना)
(Dr. M.L. Meena)

लेखा सदस्य/Accountant Member

चेन्नई/Chennai, दिनांक/Dated: 08th March, 2022.

EDN/-

Sd/-
(महावीर सिंह)
(MAHAVIR SINGH)
उपाध्यक्ष /VICE PRESIDENT

आदेश की प्रतिलिपि अग्रेषित/**Copy 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