

आयकर अपीलिय अधिकरण, 'सी' न्यायपीठ, चेन्नई
IN THE INCOME TAX APPELLATE TRIBUNAL
'C' BENCH, CHENNAI

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

आयकर अपील सं./ITA No.: **1708/CHNY/2018**
निर्धारण वर्ष /Assessment Year: 2013-14

**M/s. Rajshree Sugars &
Chemicas Ltd.,**
"The Uffizi", 338, Avinashi Road,
Peelamedu,
Coimbatore - 641 004.

The DCIT,
v. Corporate Circle - 2,
Coimbatore.

PAN: AABCR 4179D

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से/Appellant by

: Shri R. Vijayaraghavan, Advocate &
Shri Saroj Kumar Parida, Advocate

प्रत्यर्थी की ओर से/Respondent by

: Shri D. Songate, CIT

सुनवाई की तारीख/Date of Hearing

: 09.03.2022

घोषणा की तारीख/Date of Pronouncement

: 10.03.2022

आदेश /O R D E R

PER BENCH:

This appeal by the assessee is arising out of the revision order passed by Learned Principal Commissioner of Income Tax -1, Chennai in C.No.120(20)/263/PCIT-1/CBE/2017-18 dated 23.03.2018 for the assessment year 2013-14. The assessment was framed by the DCIT, Corporate Circle 2, Coimbatore for the assessment year 2013-14 u/s.

143(3) of the Income Tax Act, 1961 (hereinafter 'the Act') vide order dated 03.03.2016

2. At the outset, the Id.counsel for the assessee stated that the PCIT while revising the assessment and passing revision order u/s.263 of the Act directed the AO to disallow the claim of ESI & PF paid beyond due date as prescribed under the respective Acts and in term of provision of section 36(1)(va) r.w.s. 2(24)(x) of the Act. The PCIT relied on Circular No.22/2015 issued by CBDT which expressly states that deduction in respect of any sum received by the assessee from employees, which are governed by section 36(1)(va) are allowable only if it is paid in the relevant fund before the due date. The Id.counsel for the assessee stated that this issue is squarely covered by the decision of Hon'ble Jurisdictional High Court in the case of M/s. Industrial Security and Intelligence India P Ltd., TCA Nos. 585 & 586 of 2015, order dated 24.07.2015 and hence, revision u/s.263 of the Act is bad and illegal. The Id.CIT-DR could not controvert the above stated factual situation. As the issue is squarely covered by the decision of Hon'ble High Court of Madras in the case of M/s. Industrial Security and Intelligence India P Ltd., *supra* and in the present case, assessee admittedly made payment of employees contribution of PF & ESI within the due date of filing of return of income of the assessee u/s.139(1) of

the Act, we quash the revision order and allow the appeal of the assessee.

3. In the result, the appeal filed by the assessee is allowed.

Order pronounced in the court on 10th March, 2022 at Chennai.

Sd/-

(डॉ एम एल मीना)

(Dr. M.L. MEENA)

लेखा सदस्य /ACCOUNTANT MEMBER

Sd/-

(महावीर सिंह)

(MAHAVIR SINGH)

उपाध्यक्ष /VICE PRESIDENT

चेन्नई/Chennai,

दिनांक/Dated, the 10th March, 2022

RSR

आदेश की प्रतिलिपि अग्रेषित/Copy to:

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|------------------------|--------------------------|------------------------------|
| 1. अपीलार्थी/Appellant | 2. प्रत्यर्थी/Respondent | 3. आयकर आयुक्त (अपील)/CIT(A) |
| 4. आयकर आयुक्त /CIT | 5. विभागीय प्रतिनिधि/DR | 6. गार्ड फाईल/GF. |