

**IN THE INCOME TAX APPELLATE TRIBUNAL  
“SMC” BENCH, AHMEDABAD**

**BEFORE SHRI WASEEM AHMED, ACCOUNTANT MEMBER &  
Ms. MADHUMITA ROY, JUDICIAL MEMBER**

I.T.A. No. 832/Ahd/2019  
(Assessment Year: 2015-16)

|   |     |                           |
|---|-----|---------------------------|
| Vaibhavlaxmi Exports Pvt. Ltd.<br>Klyanpura Road, Nanikadi, Taluka<br>Kadi, Mehsana, Gujarat-382715 | Vs. | DCIT,<br>Mehsana, Gujarat |
| [PAN No.AADCV3514C]   |     |                           |
| <b>(Appellant)</b>  | ..  | <b>(Respondent)</b>       |

|                              |                           |
|------------------------------|---------------------------|
| <b>Assessee by</b> :         | Shri Shailesh J. Shah, CA |
| <b>Revenue by</b> :          | Shri S. S. Shukla, Sr. DR |
| <b>Date of Hearing</b>       | 25.04.2022                |
| <b>Date of Pronouncement</b> | 27.04.2022                |

**ORDER**

**PER Ms. MADHUMITA ROY - JM:**

The instant appeal filed by the assessee is directed against the order dated 12.12.2018 passed by the Commissioner of Income Tax (Appeals)-13, Ahmedabad arising out of the order dated 29.12.2017 passed by the DCIT, Mehsana, Gujarat under Section 143(3) of the Income Tax Act, 1961 (hereinafter referred to as “the Act”) for A.Y. 2015-16.

2. Confirming the disallowance of Trade discount expenses of Rs. 17,11,982/- is the subject matter before us.
3. During the course of assessment proceeding it is found that the debited trade discount expenses by Rs. 17,11,982/- in its profit and loss account after sale of goods. Trade discount provided at the time of sale and sale amount reduced by the amount of discount. Since no entry of trade discount is found in books of accounts the assessee was asked to explain the basic of providing

trade discount and the party to which such trade discount was provided. In the absence of any reply to this issue the Ld. AO having no other alternative added the same to the total income of the assessee which was further been confirmed by the First Appellate Authority. Hence, the instant appeal before us.

4. At the time of hearing of the instant appeal the Ld. Counsel appearing for the assessee relied upon certain documents in order to justify his claim. However, it was pointed out by the Ld. D.R. that those documents were not placed before the Ld. CIT(A). Such submission made by the Ld. D.R. was not been able to be controverted by the Ld. A.R. However, after perusal of the records we find that the documents placed by the assessee goes to the root of the matter which needs consideration by the authorities below. In that view of the matter we set-aside the issue to the file of the Ld. AO to adjudicate the issue afresh upon considering the evidences which the assessee may choose to file at the time of hearing of the matter.

The Ld. AO is further directed to pass a reasoned order after giving an opportunity of being heard to the assessee. Hence, assessee's appeal is allowed for statistical purposes.

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

**This Order pronounced in Open Court on**

**27/04/2022**

Sd/-  
(WASEEM AHMED)  
**ACCOUNTANT MEMBER**  
Ahmedabad; Dated 27/04/2022  
TANMAY, Sr. PS

Sd/-  
(Ms. MADHUMITA ROY)  
**JUDICIAL MEMBER**

**TRUE COPY**

आदेश की प्रतिलिपि अग्रेषित/Copy of the Order forwarded to :

1. अपीलार्थी / The Appellant
2. प्रत्यर्थी / The Respondent.
3. संबंधित आयकर आयुक्त / Concerned CIT
4. आयकर आयुक्त(अपील) / The CIT(A)-
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, अहमदाबाद / DR, ITAT, Ahmedabad
6. गार्ड फाईल / Guard file.

आदेशानुसार/ BY ORDER,

उप/सहायक पंजीकार (Dy./Asstt. Registrar)  
आयकर अपीलीय अधिकरण, अहमदाबाद / ITAT, Ahmedabad