

**IN THE INCOME TAX APPELLATE TRIBUNAL,  
MUMBAI BENCH “C”, MUMBAI**

**BEFORE SHRI KULDIP SINGH, JUDICIAL MEMBER AND  
SHRI OM PRAKASH KANT, ACCOUNTANT MEMBER**

**ITA No.3613/M/2018  
Assessment Year: 2012-13**

M/s. PRIA CETP (India) Ltd., 115/116, Raheja Arcade, Plot No.61, Sector 11, CBD Belapur, Navi Mumbai <b>PAN: AACCP2696L</b>	Vs.	Dy. CIT, CC-2(1), 8 <sup>th</sup> Floor, Room No.804, Old CGO Bldg., Pratistha Bhavan, M.K. Road, Mumbai - 400020
(Appellant)		(Respondent)

**Present for:**

Assessee by : None  
Revenue by : Shri C.T. Mathews, Sr. A.R.

Date of Hearing : 05 . 04 . 2022  
Date of Pronouncement : 31 . 05 . 2022

**O R D E R**

**Per : Kuldip Singh, Judicial Member:**

The appellant, M/s. PRIA CETP (India) Ltd. (hereinafter referred to as ‘the assessee’) by filing the present appeal, sought to set aside the impugned order dated 27.03.2018 passed by Commissioner of Income Tax (Appeals)-48, Mumbai [hereinafter referred to as the CIT(A)] qua the assessment year 2012-13 on the grounds inter alia that :-

***“1. On the facts and circumstances of the case and in law, the learned CIT(A) erred in confirming the***

***disallowance of deduction u/s 80-IA amounting to 2,78,29,293 .***

***2. On the facts and circumstances of the case and in law, the learned Assessing Officer may be directed to allow the deduction u/s 80-IA(4) on the enhanced income after considering the additions and disallowances made by the Assessing Officer as appellant is carrying on the business of common effluent treatment plant only.”***

2. Briefly stated facts necessary for adjudication of the controversy at hand are : assessee company is into the business of operating the infrastructure facility of waste water treatment. During the scrutiny proceedings Assessing Officer (AO) noticed that the assessee claimed deduction to the tune of Rs.2,78,29,293/- under section 80IA of the Income Tax Act, 1961 (for short ‘the Act’). Declining the contentions raised by the assessee the AO proceeded to disallow the deduction claimed by the assessee under section 80IA(3) of the Act and thereby framed the assessment at the total income of Rs.37807114/- under section 143(3) of the Act.

3. Assessee carried the matter before the Ld. CIT(A) by way of filing appeal who has partly allowed the same. Feeling aggrieved the assessee has come up before the Tribunal by way of filing present appeal.

4. Despite issuance of the notice to the assessee company none appeared on behalf of it, so the Bench decided to decide this appeal on the basis of material available on record with the assistance of the Ld. D.R. for the Revenue.

5. We have heard the Ld. Departmental Representative for the Revenue, perused the orders passed by the Ld. Lower Revenue

Authorities and documents available on record in the light of the facts and circumstances of the case and case law relied upon.

6. Undisputedly, the assessee's claim for deduction under section 80IA of the Act qua the water treatment system plant commenced in June 2004. It is also not in dispute that assessee's claim qua deduction under section 80IA of the Act for preceding years i.e. A.Y. 2006-07 to 2011-12 has not been entertained and as such the only inference can be drawn that present claim of the assessee for deduction under section 80IA of the Act has become the first year.

7. In the backdrop of the aforesaid facts and circumstances of the case we have perused the impugned order passed by the Ld. CIT(A) who has thrashed the facts in the light of the law applicable thereto. After perusing the agreement with Maharashtra Industrial Development Corporation (MIDC), the Ld. CIT(A) observed that the same is a document between Hydroair Tectonics and Patalganga and Rasayani Industries Association (PRIA) with MIDC. There is also one memorandum of understanding between Hydroair and assessee with MIDC as facilitator for setting up a joint venture company namely Pria Ganga Common Effluent Treatment Plant Ltd. When the assessee has failed to fulfill the basic and primary requirements of section 80IA(4) of the Act for its claim under section 80IA of the Act, present year being the first year of claiming a deduction as its earlier claims have already been declined, we find no illegality or perversity in the impugned order passed by the Ld. CIT(A). No new facts and evidences have been brought on record by the assessee who has also not preferred to put

an appearance after filing present appeal way back in May 2018. Consequently, impugned order passed by the Ld. CIT(A) is hereby upheld and appeal filed by the assessee is dismissed.

**Order pronounced in the open court on 31.05.2022.**

**Sd/-  
(OM PRAKASH KANT)  
ACCOUNTANT MEMBER**

**Sd/-  
(KULDIP SINGH)  
JUDICIAL MEMBER**

Mumbai, Dated: 31.05.2022.

\* Kishore, Sr. P.S.

Copy to: The Appellant  
The Respondent  
The CIT, Concerned, Mumbai  
The CIT (A) Concerned, Mumbai  
The DR Concerned Bench

//True Copy//

By Order

Dy/Asstt. Registrar, ITAT, Mumbai.