

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH 'C', NEW DELHI**

**BEFORE SH. N. K. BILLAIYA, ACCOUNTANT MEMBER
AND
SH. YOGESH KUMAR US, JUDICIAL MEMBER**

ITA No.4060/Del/2018
Assessment Year: 2013-14

DCIT , Exemption Circle Ghaziabad	Vs	Krishi Utpadan Mandi Samiti, Jhansi PAN No. AAALK0591Q
(APPELLAN		(RESPONDENT)

Appellant	Ms. Anupama Singla, Sr. DR
Respondent	None

Date of hearing:	16/06/2022
Date of Pronouncement:	16/06/2022

ORDER

PER N.K. BILLAIYA, AM:

This appeal by the revenue is preferred against the order of the CIT(A)-2, New Delhi dated 15.02.2018 pertaining to A.Y.2013-14.

2. The solitary grievance of the revenue is that the CIT(A) erred in deleting the additions of Rs.6,38,61,059/- made by the AO against short utilization of fund.

3. None appeared on behalf of the assessee inspite of notice, we decided to proceed exparte.

4. The DR was heard at length. Case record carefully perused.

5. Briefly stated the facts of the case are that the assessee society was granted registration u/s. 12 AA of the Act. During the course of the scrutiny assessment proceedings the AO noticed that the total receipt during the year has been at Rs.14,50,89,138/- and there was excess of income over expenditure at Rs.8,80,86,862/-. The AO was of the opinion that the assessee has short applied Rs.6,38,61,059/- and assessed this amount as the income of the assessee.

6. Assessee agitated the matter before the CIT(A) and vehemently argued that there is no short fall in the utilization of funds. After considering the facts and the submissions the CIT(A) was of the opinion that assessee has applied Rs.14,43,92,629/- which is more than 85% of the total income and accordingly deleted the addition.

7. We find that the CIT(A) has given his finding based upon certain figures which were never considered by the AO in his assessment order. In our considered opinion the AO should get

one more opportunity to verify the figures considered by the CIT(A) in coming to the finding that addition made toward short application of income is bad on facts. Therefore, in the interest of justice we restore this issue to the files of the AO. The AO is directed to examine the figures considered by the CIT(A) at para - 6.4 of his order and if found correct may decide the issue afresh as per the provisions of the law.

8. In the result, the appeal filed by the revenue is allowed for statistical purpose.

9. Decision announced in the open court on 16.06.2022.

Sd/-
(YOGESH KUMAR US)
JUDICIAL MEMBER

NEHA, Sr. Private Secretary

Date:- 16.06.2022

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

Sd/-
(N. K. BILLAIYA)
ACCOUNTANT MEMBER

ASSISTANT REGISTRAR
ITAT NEW DELHI