

आयकर अपीलीय अधिकरण "ए" न्यायपीठ पुणे में ।  
IN THE INCOME TAX APPELLATE TRIBUNAL "A" BENCH, PUNE

BEFORE SHRI INTURI RAMA RAO, ACCOUNTANT MEMBER  
AND  
SHRI S.S. VISWANETHRA RAVI, JUDICIAL MEMBER

आयकर अपील सं. / ITA No.501/PUN/2019  
निर्धारण वर्ष / Assessment Year : 2013-14

M/s. Goel Brothers,  
5, San Mahu Complex,  
Opp. Poona Club, Camp,  
Pune – 411001

PAN : AADFG7008F

.....अपीलार्थी / Appellant

**बनाम / V/s.**

Dy. Commissioner of Income Tax,  
Circle – 7, Pune

.....प्रत्यर्थी / Respondent

Assessee by : Shri Krishna V. Gujarathi  
Revenue by : Shri S.P. Walimbe

सुनवाई की तारीख / Date of Hearing : 20-07-2022  
घोषणा की तारीख / Date of Pronouncement : 21-07-2022

**आदेश / ORDER**

**PER S.S. VISWANETHRA RAVI, JM :**

This appeal by the assessee against the order dated 22-11-2017 passed by the Commissioner of Income Tax (Appeals)-5, Pune [‘CIT(A)’] for assessment year 2013-14.

2. We find this appeal was filed with a delay of 365 days. To condone the said delay, the assessee filed notarized affidavit dated 29-03-2019 explaining the reasons for delay. On perusal of the same upon hearing both the parties, the delay of 365 days is condoned.

3. At the outset, the ld. AR submitted that the AO made disallowance of Rs.24,35,880/- u/s. 14A r.w. Rule 8D(2)(iii). The contention of ld. AR is that the disallowance so made by the AO u/s. 14A r.w. Rule 8D(2)(iii) is excessive in respect of exempt income earned. We find force in the arguments of ld. AR. Therefore, we deem it proper to remand the issue to the file of AO for its fresh verification for making disallowance against those investments yielded exempt income. The assessee is liberty to file evidences, if any, in support of its claim. Thus, the ground raised by the assessee is allowed for statistical purpose.

4. In the result, the appeal of assessee is allowed for statistical purpose.

Order pronounced in the open court on 21<sup>st</sup> July, 2022.

Sd/-  
(Inturi Rama Rao)  
ACCOUNTANT MEMBER

Sd/-  
(S.S. Viswanethra Ravi)  
JUDICIAL MEMBER

पुणे / Pune; दिनांक / Dated : 21<sup>st</sup> July, 2022.

रवि

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

1. अपीलार्थी / The Appellant.
2. प्रत्यर्थी / The Respondent.
3. The CIT(A)-5, Pune
4. The Pr. CIT-4, Pune
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, "ए" बेंच,  
पुणे / DR, ITAT, "A" Bench, Pune.
6. गार्ड फ़ाइल / Guard File.

//सत्यापित प्रति// True Copy//

आदेशानुसार / BY ORDER,

वरिष्ठ निजी सचिव / Sr. Private Secretary  
आयकर अपीलीय अधिकरण, पुणे / ITAT, Pune