

IN THE INCOME TAX APPELLATE TRIBUNAL
PUNE BENCH "B", PUNE

BEFORE SHRI S.S. GODARA, JUDICIAL MEMBER AND
DR. DIPAK P. RIPOTE, ACCOUNTANT MEMBER

ITA No.1782/PUN/2018

निर्धारण वर्ष / Assessment Year : 2015-16

Bhima Sahakari Sakhar Kharkhana Ltd., A/p Takli-Sikandar, Tal. Mohol, Dist. Solapur - 413248 PAN: AAAAB0872C	Vs.	DCIT, Circle-14, Pune
Appellant		Respondent

Assessee by Shri Hanmant Dhavle
Revenue by Shri M.G. Jasnani

Date of hearing 18-07-2022
Date of pronouncement 01-08-2022

आदेश / ORDER

PER S.S. GODARA, JM :

This assessee's appeal for AY 2015-16 arises against the CIT(A)-7, Pune's order dated 05-09-2017 passed in case No. PN/CIT(A)-7/Cir-1/10274/2017-18, in proceedings under Section 143(3) of the Income Tax Act, 1961, in short 'the Act'.

Heard both the parties. Case file perused.

2. The assessee pleads the following substantive grounds in its appeal:-

1. *On the fact and in the circumstances of the case and in law of the learned Commissioner of Income Tax (Appeals)-7, Pune has erred in disallowing and adding back an amount of **Rs.84,89,382/-** on account of **Sale of sugar at concessional rate.***

2. *On the fact and in the circumstances of the case and in law of the learned Commissioner of Income Tax (Appeals)-7, Pune has erred in disallowing and adding back an amount of
Rs.6,70,618/- on account of Travelling Expenses
Rs.5,59,833/- on account of Other repairs & maintenance
Rs.12,36,781/- on account of Celebration Expenses
Rs.19,58,029/- on account of Other Expenses
Rs.20,99,152/- on account of Factory other Expenses
Rs.11,91,870/- on account of Advertisement Expenses
Rs.10,97,830/- on account of Printing & Stationery Expenses
**Total Expenses of Rs.88,17,118 @ 15% Rs.13,22,118/-
disallowance***

3. Mr. Jasnani vehemently supported the learned lower authorities action on assessee's sale of sugar at concessional rate (both to members) disallowed in the lower proceedings. He fails to dispute that the sale of sugar at concessional rate is no more *res integra* as the tribunal's various co-ordinate benches, and more particularly ITA No.68/PUN/2018 in The Malegaon Sahakari Sakhar Karkhana Limited vs. ITO's order dated 21.40.2021 has set aside the concerned assessee's substantive ground back to the assessing authority for its afresh appropriate adjudication as per law. Ordered accordingly.

4. Coming to assessee's second substantive grievance involving various estimated disallowances made by the Assessing Officer and the CIT(A) @ 15%, it emerges that neither this taxpayer could file and prove all necessary evidence nor there is any justification on learned lower authorities part, accordingly rejected 15% thereof. Faced with this situation, we ourselves estimate all these heads / disallowances @ 5% with a rider that the same shall not be treated as a precedent. Ordered accordingly.

5. This assessee's appeal is partly allowed in above terms.

Order pronounced in the Open Court on 1st August, 2022.

Sd/-
(DIPAK P. RIPOTE)
ACCOUNTANT MEMBER
पुणे Pune; दिनांक Dated : 1st August, 2022

Sd/-
(S.S. GODARA)
JUDICIAL MEMBER

GCVSR

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

1. अपीलार्थी / The Appellant;
2. प्रत्यर्थी / The Respondent;
3. The CIT(A)-7, Pune
4. The Pr.CIT-6, Pune
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, पुणे "B" /
DR 'B', ITAT, Pune
6. गार्ड फाईल / Guard file

आदेशानुसार/ BY ORDER,

// True Copy //

Senior Private Secretary
आयकर अपीलीय अधिकरण ,पुणे / ITAT, Pune

		Date	
1.	Draft dictated on	19-07-2022	Sr.PS
2.	Draft placed before author	28-07-2022	Sr.PS
3.	Draft proposed & placed before the second member		JM
4.	Draft discussed/approved by Second Member.		JM
5.	Approved Draft comes to the Sr.PS/PS		Sr.PS
6.	Kept for pronouncement on		Sr.PS
7.	Date of uploading order		Sr.PS
8.	File sent to the Bench Clerk		Sr.PS
9.	Date on which file goes to the Head Clerk		
10.	Date on which file goes to the A.R.		
11.	Date of dispatch of Order.		