

आयकर अपीलीय अधिकरण 'बी' न्यायपीठ चेन्नई में।
IN THE INCOME TAX APPELLATE TRIBUNAL
'B' BENCH, CHENNAI

माननीय श्री मनोज कुमार अग्रवाल, लेखक सदस्य एवं
माननीय श्री संजय शर्मा, न्यायिक सदस्य के समक्ष।
BEFORE HON'BLE SHRI MANOJ KUMAR AGGARWAL, AM AND
HON'BLE SHRI SONJOY SARMA, JUDICIAL MEMBER

आयकर अपील सं./ ITA No.122/Chny/2022
(निर्धारण वर्ष / Assessment Year: 2018-19)

M/s. Augustan Knitwear Pvt. Ltd. 3/127-A Manickampalayam, Kunnathurpudur Post Kovilpalyam, Coimbatore – 641 107	बनाम/ Vs.	ADIT, CPC, Bengalore.
स्थायी लेखा सं./जीआइ आर सं./PAN/GIR No. AABCM-4119-Q		
(पीलार्थी/ Appellant)	:	(प्रत्यर्थी / Respondent)

अपीलार्थी की ओरसे/ Appellant by	:	Shri A. Suraj Nahar (C.A) – Ld. AR
प्रत्यर्थी की ओरसे/ Respondent by	:	Ms. M.S. Deeeptha (JCIT) –Ld. DR
सुनवाई की तारीख/ Date of Hearing	:	25-08-2022
घोषणा की तारीख / Date of Pronouncement	:	25-08-2022

आदेश / ORDER

Manoj Kumar Aggarwal (Accountant Member)

1. Aforesaid appeal by assessee for Assessment Year (AY) 2018-19 arises out of the order of learned Commissioner of Income Tax, National Faceless Appeal Centre (NFAC), Delhi [CIT(A)] dated 26-12-2021 in the matter of an intimation issued by Centralized Processing Center (CPC), Bengaluru u/s 143(1) of the Act on 12-01-2020.
2. In this appeal, the sole grievance of the assessee is denial of deduction by CPC u/s 80JJAA for Rs.8.90 Lacs as claimed by the

assessee in the return of income. This is the second year of this claim. In the intimation, the claim has been denied since the assessee has not filed prescribed form 10DA to claim this deduction. The Ld. CIT(A) dismissed the ground on the observation that additional employee cost would be nil as there was no increase in the number of employees from previous year. Aggrieved, the assessee is in further appeal before us.

3. During hearing, it transpires that the return of income was subjected to complete scrutiny and an assessment was framed u/s 143(3) r.w.s. 144B of the Act on 21.04.2021. Pursuant to the same, a computation sheet has been generated on 21.04.2021 wherein deduction under Chapter VIA has been allowed to the assessee for Rs.9.40 Lacs. This deduction includes deduction claimed by assessee u/s 80JJAA. Logically, the intimation issued u/s 143(1) should have merged with the regular assessment framed u/s 143(3) and the demand should have been revised against the assessee. Apparently, the same has not been done which is the grievance of the assessee.

4. Considering the given factual matrix, we direct Ld. AO to revise the intimation issued u/s 143(1) in the light of scrutiny assessment order dated 21.04.2021 and raise consolidated demand, if required, against the assessee in the system after allowing deduction u/s 80JJAA. The observation of Ld. CIT(A) is misplaced since the assessee is claiming deduction in the second year for additional employee cost incurred during first year i.e., AY 2017-18.

5. The appeal stand allowed for statistical purposes.

Order pronounced on 25th August, 2022.

Sd/-
(SONJOY SARMA)
न्यायिक सदस्य / JUDICIAL MEMBER

Sd/-
(MANOJ KUMAR AGGARWAL)
लेखक सदस्य / ACCOUNTANT MEMBER

चेन्नई / Chennai; दिनांक / Dated : 25-08-2022
EDN/-

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

1. अपीलार्थी/Appellant 2. प्रत्यर्थी/Respondent 3. आयकर आयुक्त (अपील)/CIT(A) 4. आयकर आयुक्त/CIT 5. विभागीय प्रतिनिधि/DR 6. गार्ड फाईल/GF