

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

BEFORE SHRI R.S.SYAL, VICE PRESIDENT AND
SHRI PARTHA SARATHI CHAUDHURY, JUDICIAL MEMBER

Sl. No.	ITA No(s).	Name of the Applicant	Name of Respondent	Asst. Year	Quarter	Form
1-7	505/PUN/2021 to 508/PUN/2021 & 510/PUN/2021 to 512/PUN/2021	Absterge Acme Filters India Private Limited, Plot No.9, Sarang Society, Garkheda Road, Garkhe Area, Aurangabad – 431 005 PAN : AABCC6133C	ACIT, CPC-TDS, Ghaziabad.	2015-16 2015-16 2015-16 2015-16 2015-16 2015-16 2015-16	Q1 Q2 Q3 Q4 Q2 Q3 Q4	24Q 24Q 24Q 24Q 26Q 26Q 26Q

Assessee by : None
Revenue by : Shri Ramnath P. Murkude

सुनवाई की तारीख / Date of Hearing : 22.09.2022
घोषणा की तारीख / Date of Pronouncement : 22.09.2022

आदेश / ORDER

PER BENCH:

This batch of seven appeals arises from different orders passed by the National Faceless Appeal Centre (NFAC), Delhi on 27-08-2021. The only issue raised in these appeals is against the charging of fee u/s.234E for the quarters arising in assessment year 2015-16.

2. Briefly stated, the facts of the case are that the assessee filed the TDS returns for the respective quarters belatedly. Based on that, the Assessing Officer (AO) levied late fees u/s.234E of the Income-tax

Act, 1961 (hereinafter also called 'the Act'). The assessee approached the Id. CIT(A) but without success. Aggrieved thereby, the assessee has approached the Tribunal.

3. We have heard the Id. DR and gone through the relevant material on record. There is no appearance from the side of the assessee despite notice. As such, we are proceeding to dispose of the appeal *ex parte qua* the assessee but on merits.

4. The solitary issue raised in all the appeals is against the confirmation of fee u/s.234E imposed by the AO. The assessment year involved in these seven appeals is 2015-16, which shows that the fee u/s.234E has been imposed for the delay in furnishing the statements for the quarters prior to 01-06-2015.

5. Section 200A deals with processing of statements of tax deducted at source. Clause (c) of section 200A(1) was inserted by the Finance Act 2015 w.e.f. 01-06-2015 providing for the levy of fee u/s.234E of the Act. In that view of the matter, such fee u/s.234E can be levied only for the default committed after 01-06-2015 and not prior to that. The Hon'ble Kerala High Court in *Olari Little Flower Kuries Pvt. Ltd. Vs. Union of India and others (2022) 440 ITR 26 (Kerala)* has affirmed the non-imposition of fee for the period prior to 01-06-2015. Similar

view has been taken in *Jiji Varghese VS. ITO(TDS) & Ors. (2022) 443 ITR 267 (Ker)* holding that no fee u/s 234E can be charged for the periods of the respective A.Ys. prior to June 1, 2015. Thus, it is seen that the issue raised in these appeals is covered in favour of the assessee. Following the precedent, we overturn the impugned orders on this sole issue.

6. In the result, all the appeals are allowed.

Order pronounced in the Open Court on 22nd day of September, 2022.

Sd/-
PARTHA SARATHI CHAUDHURY
JUDICIAL MEMBER

Sd/-
R.S.SYAL
VICE PRESIDENT

पुणे / Pune; दिनांक / Dated : 22nd September, 2022
Satish

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

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

आदेशानुसार / BY ORDER,

// True Copy //

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

		Date	
1.	Draft dictated on	22-09-2022	Sr.PS
2.	Draft placed before author	22-09-2022	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.		

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