

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

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

ITA No.38/PUN/2020

निर्धारण वर्ष / Assessment Year: 2016-17

Sadhana Gajendra Vasa Jayesh Plot No.42, Ganesh Co-Op. Housing Society, LIC Colony, Kawala Naka, Kolhapur – 416005 PAN : AANPV4421B	Vs.	ITO, Ward 2(2), Kolhapur
Appellant		Respondent

Assessee by: Shri S.N. Puranik
Revenue by: Shri M.G. Jasnani

Date of hearing 16-11-2022
Date of pronouncement 16-11-2022

आदेश / ORDER

PER R.S.SYAL, VP :

This appeal by the assessee is directed against the order dated 04-11-2019 passed by the ld. CIT(A)-2, Kolhapur, in relation to the assessment year 2016-17.

2. The only issue raised in this appeal is against the confirmation of addition of Rs.9,31,624 (out of total addition sustained at Rs.19,32,313) towards interest.

3. Briefly stated, the facts of the case are that the assessee is an individual, who is partner in several firms. She filed return

declaring total income at Nil. During the course of assessment proceedings, the Assessing Officer (AO) observed that the assessee claimed deduction towards interest paid to Thakarshi Devshi AIM Association amounting to Rs.19,32,313. In addition, the assessee had also received interest from RECPL amounting to Rs.9,31,624. The AO observed that the interest payment by the assessee to Thakarshi Devshi AIM Association was towards the amount withdrawn from the firm used for purchasing a flat. He, therefore, disallowed the entire amount. The assessee's contention that only net interest of Rs.10,00,689 (Rs.19,32,313 – Rs.9,31,624) should be disallowed was repelled. No relief was allowed in the first appeal.

4. At the outset, the ld. counsel for the assessee submitted certain additional evidence in support of his contention that the disallowance of interest should be reduced by Rs.9,31,624. Such additional evidence was requested for admission as the same could not be filed earlier because of reasons beyond control of the assessee. Without going into the merits of sustenance or deletion of addition to this extent in the light of the additional evidence that the assessee is proposing to file, we are of the considered opinion

that it would be just and fair if the impugned order on this score is set aside and the matter is restored to the file of the AO. We order accordingly and direct him to decide this issue afresh as per law, after considering the additional evidence that the assessee proposes to file in support of her claim. Needless to say, the assessee will be allowed opportunity of hearing by the AO.

5. In the result, the appeal is allowed for statistical purposes.

Order pronounced in the Open Court on 16th November, 2022.

Sd/-
(PARTHA SARATHI CHAUDHURY)
JUDICIAL MEMBER

Sd/-
(R.S.SYAL)
VICE PRESIDENT

पुणे Pune; दिनांक Dated : 16th November, 2022

GCVSR

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

1. अपीलार्थी / The Appellant;
2. प्रत्यर्थी / The Respondent;
3. The CIT(A)-2, Kolhapur
4. The Pr.CIT, Kolhapur
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	16-11-2022	Sr.PS
2.	Draft placed before author	16-11-2022	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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