

IN THE INCOME TAX APPELLATE TRIBUNAL  
PUNE BENCH "A" : PUNE

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

ITA.No.926 & 927/PUN./2019  
Assessment Year 2015-16

Shri Nandlal Dulichand Gupta, 70/4, S-Block, Near Poona Udyog, MIDC Bhosari, Pune – 411 026. PAN AESPG7521G	vs.,	The DCIT, Circle-8, Room No.308, 3 <sup>rd</sup> Floor, Pratyakshar Bhavan, Near Akurdi Railway Station, Pradhikaran, Akurdi, Pune PIN – 411 044.
(Appellant)		(Respondent)

For Assessee :	Shri Abhilash Hiran
For Revenue :	Shri Ramnath P Murkunde

Date of Hearing :	19.10.2022
Date of Pronouncement :	23.12.2022

**ORDER**

**PER SATBEER SINGH GODARA, J.M.**

These assessee's twin appeals, for assessment year 2015-16, arise against the CIT(A)-6, Pune's separate orders, both dated 28.03.2019, passed in case no.PN/CIT(A)-6/DCIT Cir-8/10129/2018-19 and case no.PN/CIT(A)-6/DCIT Cir-8/10228/2017-18, in proceedings u/s.143(3) and sec.154 of the Income Tax Act, 1961 [in short "the Act"], respectively.

2. Heard both the parties. Case files perused.

3. We note that the assessee's main appeal ITA.No.927/PUN./2019 raises the following substantive grounds :

*“Ground 1 :*

- 1.1. The learned CIT(A) erred in law in assessing that the compensation received of Rs.1.8 Cr for withdrawal of suit as income taxable under the head" Income from other sources" instead of capital receipt not chargeable to tax.*
- 1.2. The learned CIT(A) erred in law by-passing the fundamental condition of demonstrating that the receipt is income as per section 2(24) of the Act.*

*2. Ground 2 :*

- 2.1. Without prejudice to the aforesaid ground, if it held that the income is chargeable under the head Capital Gains, the computation mechanism fails, hence cannot be held taxable.*
- 2.2. Without prejudice to the aforesaid grounds, the learned CIT(A) erred on facts by concluding that the due date for filing of return in the case of the Appellant was 31 July 2014. The appellant is subject to the provisions of section 44AB of the Act, hence the due date for filing of the return was 30 November 2014. The CBDT The CBDT vide order under section 119 of the Act dated 26 September 2014 extended*