

**IN THE INCOME TAX APPELLATE TRIBUNAL
(DELHI BENCH 'F' : NEW DELHI)**

**SHRI SHAMIM YAHYA, ACCOUNTANT MEMBER
and
SHRI CHALLA NAGENDRA PRASAD, JUDICIAL MEMBER**

**ITA No.949/Del./2018
(ASSESSMENT YEAR : 2013-14)**

Raman Mehta,
3, Empire Estate, Mehrauli Road,
Sultanpur,
New Delhi – 110 030.

vs. ACIT, Central Circle 28,
New Delhi.

(PAN : ADJPM3425H)

(APPELLANT)

(RESPONDENT)

ASSESSEE BY : Dr. Rakesh Gupta, Advocate
Shri Somil Agarwal, Advocate
REVENUE BY : Shri Ajay Kumar Arora, Sr. DR

Date of Hearing : 26.12.2022
Date of Order : 03.01.2023

ORDER

PER SHAMIM YAHYA, ACCOUNTANT MEMBER :

This appeal by the assessee arises out of the order of Id. CIT (A)-XXVI, New Delhi dated 27.12.2017 pertains to assessment year 2013-14.

2. The main issue raised is that authorities below have erred in not giving relief by considering the revised computation given by the assessee during the course of assessment.

3. In this case, assessee submitted before the AO that he had made a wrong claim in the computation of income and wanted to correct the

same by filing a revised computation of income. However, since there was no revised return of income, AO rejected the plea. The order of the AO in this regard read as under :-

“6. The assessee has further submitted that he has wrongly offered an income of Rs.8,47,767 on account of conversion of foreign currency exchange from HSBC Dollar account to HSBC Hongkong Dollar account which are merely transfer of funds from HSBC Dollar a/c to HSBC Hongkong Dollar a/c and has made the request that the benefit of the same should be given in the assessment order on the basis of revised computation of income filed by the assessee during the course of assessment proceedings. Similarly, the assessee has submitted that he has wrongly offered the dividend of Rs.1,59,718 received which are exempt as income and has made a request that the same should be allowed in the assessment order on the basis of revised computation of income filed during the course of assessment proceedings.

6.1. The above submission of the assessee has been considered but his request to allow him the benefit of Rs 8,47,767 cannot be acceded to as no corroborative evidence has been submitted by the assessee in support of this claim. Moreover, the claim of the assessee to allow benefit of Rs.8,47,767 & Rs 1,59,718 (supra) merely on the basis of revised computation of income cannot be accepted unless the assessee files a revised return of his income with the revised computation for making such claim since the assessing officer does not have the power to entertain a claim of deduction otherwise than by filing a revised return. In view of these facts the claim for deduction made by the assessee is rejected.”

4. Against the above order, assessee went in appeal before the Id. CIT(A). Ld. CIT (A) confirmed the AO's order by holding that assessee has not filed complete details and he also held that assessee has not

explained as to why the return was not revised earlier. The order of Id.

CIT (A) read as under :-

“The assessee filed original return on 30.09.2013 declaring an income of Rs.2,58,78,450/- under the head income from salary, business or profession, capital gain and other sources. It has been submitted that assessee erroneously offered an amount of Rs.8,47,767/- as income for conversion of foreign currency exchange from HSBC Dollar account to HSBC Hongkong Dollar account. The Ld AR submitted that this amount does not represents income. The appellant filed a revised computation of income accordingly. Ld AR has submitted before me that this involves mere fund transfer from one account to other.

The appellant has sought relief in appellate forum and has to come with complete explanation about the nature and source of such funds and the purpose of such alleged relocation of the funds. The appellant has merely sought relief by stating that the revised computation of income must be accepted by the assessing authority. The Ld AR has cited ruling of Hon'ble Delhi High Court in case of Pr CIT versus E- FUNDS in ITA no 607/2015, 608/2015 dated 06/11/2015 for A Y 2002-03 the facts are on different facts as the appellant has not explained the nature, purpose and rationale of effecting such an alleged transfer of funds, nor has it been explained as to why the return was not revised earlier when it was duly noticed by the appellant. The contentions are not clearly giving appellant a proper reason to obtain relief. The cases cited are accordingly on different facts and in any case do not form ratio decidendi, hence the appeal is liable to be rejected.”

5. Against the above order, assessee is in appeal before us. We have heard both the parties and perused the records.

6. We find that the Revenue authorities have dismissed the assessee's plea on the ground that the revised computation has been filed during the course of assessment and new claim has not been filed by way of revised

return. Although authorities below have also mentioned that appropriate rationale for making the recomputation has not been given. Ld. Counsel for the assessee emphasized that appeal has not been allowed as assessee's claim has not been considered by the revised computation.

7. Upon hearing both the counsel and perusing the records, we are of the considered opinion that interest of justice will be served if the issue is remitted to the file of AO. AO is directed to decide assessee's revised claim afresh. We make it clear that AO shall be at liberty to make all the necessary queries permitted as per law in this regard. Needless to add, assessee shall be given adequate opportunity of being heard.

8. In the result, this appeal by the assessee is allowed for statistical purposes.

Order pronounced in the open court on this 3rd day of January, 2023.

**Sd/-
(CHALLA NAGENDRA PRASAD)
JUDICIAL MEMBER**

**sd/-
(SHAMIM YAHYA)
ACCOUNTANT MEMBER**

**Dated the 3rd day of January, 2023
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Copy forwarded to:

- 1.Appellant
- 2.Respondent
- 3.CIT
- 4.CIT(A)-25, Delhi.
- 5.CIT(ITAT), New Delhi.

**AR, ITAT
NEW DELHI.**