

IN THE INCOME TAX APPELLATE TRIBUNAL
[DELHI BENCH "S.M.C." : DELHI]

BEFORE SHRI CHALLA NAGENDRA PRASAD, JUDICIAL MEMBER,
S.M.C.

आ.अ.सं./I.T.A No. 2521/Del/2022
निर्धारणवर्ष /Assessment Year: 2020-21.

M/s. Ceres Estate Limited, One International Centre, Tower-1, 4 th Floor, S.B. Marg, Elphinstone (W) Mumbai-110013, Maharashtra.	बनाम Vs.	Income Tax Officer, Ward : 5 (1), New Delhi.
PAN No. AACCC8758L		
अपीलार्थी / Appellant		प्रत्यर्थी / Respondent

निर्धारितकीओरसे /Assessee by :	Shri Lakshmi Narayan Agarwal, Advocate;
राजस्वकीओरसे / Department by :	Ms. Indu Bala Saini, Sr. D. R.;

सुनवाईकीतारीख/ Date of hearing :	30/11/2022
उद्घोषणाकीतारीख/Pronouncement on :	31/01/2023

आदेश / ORDER

PER C. N. PRASAD, J. M. :

1. This appeal is filed by the assessee against the order of the
ld. Commissioner of Income Tax (Appeals) [hereinafter referred to

CIT (Appeals)]/National Faceless Appeal Centre, Delhi, dated 17.08.2022 for assessment year 2020-21.

2. The assessee has raised the following substantive ground of appeal :-

“ That the Id. Commissioner of Income Tax (Appeals) has erred, on facts and law in circumstances of the case, in confirming the denial of claim of the appellant, for set off of brought forward losses of Rs.15,29,548/- against the current year’s business income.”

3. Heard rival submissions. It is noticed that while processing the return under section 143(1) of the Income Tax Act, 1961 (the Act) the set off of business losses against business income were denied by the CPC. The assessee carried the matter to the Id. CIT (Appeals) and the Id. CIT (Appeals) dismissed the appeal of the assessee in the absence of any specific details i.e. year-wise carry forward losses for set off. The Id. Counsel for the assessee submitted that the Id. CIT (Appeals) did not ask for the details in the course of appeal proceedings. However, the Id. Counsel submits that the matter may be restored to the file of the Assessing Officer and the assessee shall provide all the necessary details in support of its claim.

4. Considering the rival submissions, this matter is restored to the file of the Assessing Officer for deciding afresh in accordance with law, after providing adequate opportunity of being heard to the assessee. The assessee may furnish the details in support of its claim which shall be considered by the Id. Assessing Officer.

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

Order pronounced in the open court on : 31/01/2023.

Sd/-
(C. N. PRASAD)
JUDICIAL MEMBER

Dated : 31/01/2023.

MEHTA

Copy forwarded to :-

1. Appellant;
2. Respondent;
3. CIT
4. CIT (Appeals)
5. DR: ITAT

ASSISTANT REGISTRAR
ITAT, New Delhi.

Date of dictation	30.01.2023
Date on which the typed draft is placed before the dictating member	30.01.2023
Date on which the typed draft is placed before the other member	31.01.2023
Date on which the approved draft comes to the Sr. PS/ PS	31.01.2023
Date on which the fair order is placed before the dictating member for pronouncement	31.01.2023
Date on which the fair order comes back to the Sr. PS/ PS	31.01.2023
Date on which the final order is uploaded on the website	31.01.2023

Date on which the file goes to the Bench Clerk	31.01.2023
Date on which the file goes to the Head Clerk	
The date on which the file goes to the Assistant Registrar for signature on the order	
Date of dispatch of the order	