

IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH : A : NEW DELHI

BEFORE SHRI C.M. GARG, JUDICIAL MEMBER
AND
DR. B.R.R. KUMAR, ACCOUNTANT MEMBER

ITA No.1395/Del/2020
Assessment Year: 2013-14

All E Consulting Private Ltd.,
UU 14, Vishakha Enclave,
Pitampura,
New Delhi.

Vs. ITO,
Ward-2(2),
New Delhi.

PAN: AAFC4787J

(Appellant)

(Respondent)

| | | |
|-----------------------|---|-------------------------------|
| Assessee by | : | Shri Bharat Beriwal, Advocate |
| Revenue by | : | Shri Kanav Bali, Sr. DR |
| Date of Hearing | : | 15.02.2023 |
| Date of Pronouncement | : | 24.02.2023 |

ORDER

PER C.M. GARG, JUDICIAL MEMBER:

This appeal filed by the assessee is directed against the order dated 12.07.2019 of the CIT(A)-32, New Delhi, relating to Assessment Year 2013-14.

2. The grounds of appeal taken by the assessee read as under:-

"1. The learned Assessing Officer has erred in making an addition of Rs.90,42,333/- on account of undisclosed income (Turnover) on the basis of TDS credit shown in the form 26AS without taking into cognizance the fact that the above amount is pertaining to the Holding Company i.e. All E Technologies Private Limited and surrendered for taxation thereon.

2. The appellant craves leave to add, to amend, to alter, to substitute or withdraw any of the Grounds of the Appeal on or before the date of disposal of the appeal.

3. *The order is against the law and facts of the case."*

3. The Id. Counsel of the assessee submitted that the learned Assessing Officer has erred in making an addition of Rs.90,42,333/- on account of undisclosed income (Turnover) on the basis of TDS credit shown in the form 26AS without taking into cognizance the very important and relevant fact that the above amounts were pertaining to the Holding Company i.e. All E Technologies Private Limited and surrendered for taxation in the assessment proceedings of the said company during AY 2013-14.

4. Replying to the above, the Id. Sr. DR strongly supported the orders of the authorities below. However, he submitted that the assessee was required to submit reconciliation/relevant copies of the computation and return of income and other financials of holding company to substantiate its stand and in the absence of such compliance the authorities below were right in making addition in the hands of the assessee.

5. Placing rejoinder to the above, the Id. AR submitted that the authorities below have not asked or show caused the assessee to submit reconciliation and other relevant documentary evidences pertaining to the holding company, but, the assessee is still willing to comply with the requirements of tax proceedings. Therefore, the matter may be restored to the file of the AO for consideration of reconciliation statement of 26AS with the other relevant documentary evidences such as Profit & Loss Account, computation of income and return of income of holding company.

6. On careful consideration of the above rival submissions, we are of the considered view that it is a matter of reconciliation of 26AS and other documentary evidences pertaining to the holding company and the onus is on the shoulders of the assessee to establish that the impugned amount was pertaining to the holding company All E Technologies Private Ltd. and the same was surrendered by the holding company for taxation and also paid due taxes, etc., thereon. Therefore, the matter is restored to the file of the AO for considering the reconciliation and other relevant documentary evidences of the assessee pertaining to the holding company as well as the assessee company to substantiate the claim of the assessee. Therefore, the matter is restored to the file of the AO for a fresh adjudication after allowing due opportunity of hearing to the assessee.

7. In the result, the appeal filed by the assessee is allowed for statistical purposes only.

Order pronounced in the open court on 24.02.2023.

Sd/-

(B.R.R. KUMAR)
ACCOUNTANT MEMBER

Sd/-

(C.M. GARG)
JUDICIAL MEMBER

Dated: 24th February, 2023.

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Copy forwarded to :

1. Appellant
2. Respondent
3. CIT
4. CIT(A)
5. DR

Asstt. Registrar, ITAT, New Delhi