

**IN THE INCOME TAX APPELLATE TRIBUNAL**  
**“SMC” BENCH, MUMBAI**  
**BEFORE SHRI AMARJIT SINGH, ACCOUNTANT MEMBER**  
**ITA No. 166/Mum/2023**  
**(A.Y.2021-22)**

Ghanshyam Bajabhau Kadam, Trimurti Gas Service Shop No. 4, Sharada Sadan, Hanuman Chowk, Gokhale Road, Mulund (East) Mumbai – 400081	Vs.	DCIT-41(2)(1) Aayakar Bhavan, Mumbai - 400020
स्थायी लेखा सं./जीआइआर सं./PAN/GIR No: AABPK9490P		
Appellant	..	Respondent

Appellant by :	Dharan Gandhi
Respondent by :	C.T. Mathews

Date of Hearing	20.03.2023
Date of Pronouncement	30.03.2023

आदेश / ORDER

**Per Amarjit Singh (AM):**

The present appeal filed by the assessee is directed against the order passed by the NFAC, Delhi dated 16.12.2022 for A.Y. 2021-22. The assessee has raised the following grounds before us:

- “1. The ld. CIT(A) erred in confirming the action of ld. A.O (CPC) of adding Rs.4,05,875/- to business income of appellant in spite of the fact that the same income has been offered to tax under other heads.”
2. The CPC Bangalore has processed return of income filed by the assessee vide intimation dated 08.07.2022 and added Rs.4,05,875/- as business income of the assessee. In this regard, the assessee submitted that being a proprietary, income not chargeable under the tax head “Profit and gain of Business or Profession” are credited to capital

account and same are reported under different heads in the return filed. However, the CPC has not agreed with the submission of the assessee.

3. Aggrieved, the assessee filed the appeal before the Id. CIT(A). the Id CIT(A) has dismissed the appeal of the assessee.

4. Heard both the sides and perused the material on record. During the course of appellate proceedings before us the Id. Counsel submitted that as per clause 16(d) of Form 3CD it is statutory requirement to provide detail of income not credited to profit and loss account. The Id. Counsel also explained that income reported under clause 16(d) of Form 3CD have already been offered to tax under different heads. However, the same was not considered by the CPC before making the impugned addition as business income of the assessee. With the assistance of the Id. Representative we have perused the copy of income tax return filed by the assessee wherein at part A under column 5 (d) the assessee has shown amount of Rs. 4,05,875/- credited to profit and loss account further as per schedule OS of the return of income under the head income from other sources the assessee has given the break-up of the amount of Rs.4,05,875/- shown as income under the head income from other sources which comprised i.e

i.	Interest on FDR of	Rs.2,31,832/-
ii.	Interest on sale SBI Bank	Rs.7961/-
iii.	Interest on .....	Rs.1476/-
iv.	LIC pension scheme	Rs.10,752/-
v.	Interest of income Tax refund	Rs.1003/-
vi.	Agricultural income	Rs.52,851/-

After perusal of the above information it is noticed that the aforesaid particulars of income have already been reflected in the schedule OS and schedule E of the return of income filed by the assessee pertaining to assessment year 2021-22 which have not been verified before treating the amount of Rs.4,05,875/- as business income of the assessee. In view of the above facts and circumstances we restore this matter to the file

of the AO for verification/examination of the claim of the assessee as reflected in the different schedule of the return of income filed by the assessee thereby to decide the issue denovo. Therefore, this ground of appeal of the assessee is allowed for statistical purposes.

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

Order pronounced in the open court on 30.03.2023

Sd/-

(Amarjit Singh)  
Accountant Member

Place: Mumbai

Date 30.03.2023

Rohit: PS

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

1. अपीलार्थी / The Appellant
2. प्रत्यर्थी / The Respondent.
3. आयकर आयुक्त / CIT
4. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण DR, ITAT,  
Mumbai
5. गार्ड फाईल / Guard file.

सत्यापित प्रति //True Copy//  
आदेशानुसार/ BY ORDER,

**उप/सहायक पंजीकार (Dy./Asstt. Registrar)**  
**आयकर अपीलीय अधिकरण/ ITAT, Bench,**  
**Mumbai.**