

**IN THE INCOME TAX APPELLATE TRIBUNAL  
MUMBAI BENCH "I", MUMBAI**

**BEFORE SHRI B.R. BASKARAN, ACCOUNTANT MEMBER &  
SHRI PAVAN KUMAR GADALE, JUDICIAL MEMBER**

**ITA No. 605/Mum/2023  
(Assessment Year: 2018-19)**

BLPL Singapore Pte Ltd, 2 <sup>nd</sup> Floor, Geetmal Building, Himalayas, Next to Shah Industrial Estate, Govandi East, Mumbai-400088.	<b>बनाम/ Vs.</b>	DCIT(Intl Tax), Circle-1(2)(2), Room.no1811, Air India Building, NarimanPoint, Mumbai-400021.
<b>स्थायी लेखा सं./जीआइआर सं./PAN/GIR No. : AADCB4510C</b>		
(अपीलार्थी /Appellant)		(प्रत्यर्थी / Respondent)

अपीलार्थी ओर से / Appellant by :	None
प्रत्यर्थी की ओर से/Respondent by :	Shri Soumendu Kumar Dash.DR

सुनवाई की तारीख / Date of Hearing	11/05/2023
घोषणा की तारीख /Date of Pronouncement	22/05/2023

आदेश / ORDER

**PER PAVAN KUMAR GADALE - JM:**

The assessee has filed an appeal against the order of Assessing Officer ("AO") passed under section 270A of the Income Tax Act, 1961 ("the Act") for the Assessment Year 2018-19. The assessee has raised following grounds of appeal:-

1. "The Deputy Commissioner of Income Tax (International Taxation) 1(2)(2), Mumbai passed an Order under section 270A of the Income Tax Act, 1961 levying a Penalty of a sum of Rs. 26,39,611/-being

*50% of the tax of Rs. 52.79,223/- payable towards under-reporting of income.*

*Your Appellants respectfully submit that the order passed under section 270A of the Income Tax Act, 1961 be ordered to be deleted.*

*2. Your Appellant crave leave to add, alter or amend or withdraw any or all grounds of appeal and to submit such statements, documents and papers as may be considered necessary either at or before hearing of the appeal.*

2. The brief facts of the case are that the assessee is a foreign company and tax resident of Singapore. The assessee is engaged in the business of carrying cargo in international traffic through vessels and containers, owned/chartered/hired. The assessee has filed return of income for AY 2018-19 on 30.10.2018 disclosing a total income of Rs.NIL. Subsequently, the case was selected for scrutiny and notice u/s 143(2) of the Act was issued. In compliance to the notice, Ld.Authorized Representative of the assessee ("AR") submitted the details online. The AO found that the assessee company is represented in India by their agents, M/s. Transworld GLS (India) Pvt.Ltd. and M/s. Transworld Global Logistics Solutions (India) Pvt.Ltd. whereas the assessee has computed deemed income applying the provisions of section 44B of the Act @ 7.50% of the total income/freight income of Rs.2,76,08,87,167/-which works out to Rs.20,70,66,538/- Whereas the assessee has claimed the income as exempt

in India and taxable in Singapore u/s 90 of the Act read with Article 5 and 7 of the DTAA with Singapore. Further the AO on perusal of the Form.No. 26AS found that the assessee has received interest income of Rs.3,51,94,864/- which was not disclosed in the return of income filed for AY 2018-19 and a show cause notice was issued.

3. In response to the show cause notice, the assessee has filed the reply dated 30-12-2020 referred at Para 6 of the order and also filed Revised computation of income including the interest income. Since the assessee had not disclosed the interest income while computing the total income for taxation purpose, the Assessing Officer made addition of Rs.3,51,94,864/- to the total income of the assessee and taxed @ 15% as per Article 11 of DTAA with Singapore and passed the order u/s 143(3)/144C(3) of the Act dated 31.12.2020. Subsequently, the penalty proceedings u/s 270A of the Act was initiated as the assessee has not disclosed the interest income in the return of income filed and the assessee has filed explanations on 2-2-2021 referred at Para5 of the order in the penalty proceedings. Whereas the AO was not satisfied with the explanations and levied as penalty of Rs.26,39,615/- and passed order u/s 270A of the Act dated 25.06.2021.

4. Aggrieved by the penalty order of AO, the assessee has filed an appeal before the Hon'ble Tribunal. None

appeared on behalf of the assessee. The Ld.DR supported the order of the lower authorities.

5. We have heard the Ld.DR Submissions and perused the material available on record. The assessee has challenged the order of Penalty U/sec270 A of the Act by filing an appeal before the Honble Tribunal. We find the penalty order was passed by the Assessing Officer, Intl Tax Circle 1(2)(2) Mumbai. Whereas under the Provisions of 253(1)(a) of the Act, the Appeal to the Appellate Tribunal is filed against the order passed by the Commissioner of Income Tax appeals under section 270A of the Act. Hence, considering the facts and circumstances, the appeal filed by the assessee against the penalty order passed by the Assessing Officer, Intl Tax Circle 1(2)(2) Mumbai is not admitted and is dismissed.

6. In the result, the appeal filed by assessee is dismissed.

Order pronounced in the open court on 22.05.2023.

**Sd/-**

**Sd/-**

**(B.R. BASKARAN)**  
**ACCOUNTANT MEMBER**

Mumbai, Dated 22/05/2023

*\*Amit Kumar, Sr. PS\**

**(PAVAN KUMAR GADALE)**  
**JUDICIAL MEMBER**

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

1. अपीलार्थी / The Appellant
2. प्रत्यर्थी / The Respondent.
3. संबंधित आयकर आयुक्त / The CIT(A)
4. आयकर आयुक्त (अपील) / Concerned CIT
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, मुम्बई / DR, ITAT, Mumbai
6. गार्ड फाईल / Guard file.

आदेशानुसार/ BY ORDER,

सत्यापित प्रति //True Copy//

1.

उप/सहायक पंजीकार ( Asst. Registrar)  
आयकर अपीलीय अधिकरण, मुम्बई / ITAT, Mumbai