

IN THE INCOME TAX APPELLATE TRIBUNAL
SMC BENCH, PUNE

BEFORE SHRI R.S. SYAL, VICE PRESIDENT

आयकर अपील सं. /ITA No.446/PUN/2023

निर्धारण वर्ष / Assessment Year : 2014-15

Shriram Bahu Uddeshiya Sevabhavi Sanstha, A/P. Karagani, Tal. Atpadi, Dist. Sangli – 415 301 Maharashtra PAN : AAFTS1067C	Vs.	ITO , Exemption Ward, Kolhapur
Appellant		Respondent

Assessee by Shri Pramod Shingte
Revenue by Shri Gurmel Singh

Date of hearing 09-06-2023
Date of pronouncement 09-06-2023

आदेश / ORDER

PER R.S. SYAL, VP:

This appeal by the assessee arises out of the order dated 21-12-2022 passed by the CIT(A) in National Faceless Appeal Centre, Delhi u/s.250 of the Income-tax Act, 1961 (hereinafter also called 'the Act') in relation to the assessment year 2014-15.

2. The appeal is time barred by 58 days. The assessee has filed an affidavit explaining the reasons for the delay. I am satisfied with the reasons so stated. The delay is condoned and the appeal is admitted for disposal on merits.

3. I have heard both the sides and gone through the relevant material on record. It is seen that the assessment order in this case was passed u/s.143(3) of the Act on 07-12-2016 determining Nil income. In the rectification order u/s.154, dt. 30-03-2021, the AO recomputed the income after disallowing depreciation of Rs.33,84,042/-, which was although disallowed earlier in the original order but omitted to be considered at the time of computing the total income. The assessee contested the validity of the rectification order u/s.154 before the Id. CIT(A) but without success.

4. The Id. AR submitted that the AO gave only 3 days time to the assessee for raising objections against its point of view in the proceedings u/s.154 of the Act, which was highly insufficient. As the rectification proceedings were getting time barred, the AO finalized the same without granting proper opportunity to the assessee.

5. Considering the entirety of the facts and circumstances prevailing in the instant case, I am of the opinion that it would be just and fair if the impugned order is set-aside and the matter is remitted to the file of the AO with a direction to pass the rectification order u/s 154 afresh as per law after allowing reasonable opportunity of hearing to the assessee. I order accordingly.

6. In the result, the appeal is allowed for statistical purposes.

Order pronounced in the Open Court on 09th June, 2023.

Sd/-
(R.S.SYAL)
VICE PRESIDENT

पुणे Pune; दिनांक Dated : 09th June, 2023
सतीश

आदेश की प्रतिलिपि □ ग्रेषित/Copy of the Order is forwarded to:

1. अपीलार्थी / The Appellant;
2. प्रत्यर्थी / The Respondent
3. The Pr.CIT concerned
4. DR, ITAT, 'SMC' Bench, Pune
5. गार्ड फाईल / Guard file.

आदेशानुसार/ BY ORDER,

// True Copy //

Senior Private Secretary
आयकर अपीलीय अधिकरण ,पुणे / ITAT, Pune

		Date	
1.	Draft dictated on	09-06-2023	Sr.PS
2.	Draft placed before author	09-06-2023	Sr.PS
3.	Draft proposed & placed before the second member		JM
4.	Draft discussed/approved by Second Member.		JM
5.	Approved Draft comes to the Sr.PS/PS		Sr.PS
6.	Kept for pronouncement on		Sr.PS
7.	Date of uploading order		Sr.PS
8.	File sent to the Bench Clerk		Sr.PS
9.	Date on which file goes to the Head Clerk		
10.	Date on which file goes to the A.R.		
11.	Date of dispatch of Order.		

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