

आयकर अपीलीय अधिकरण “सी” न्यायपीठ चेन्नई में।
IN THE INCOME TAX APPELLATE TRIBUNAL
“C” BENCH, CHENNAI

माननीय श्री महावीर सिंह, उपाध्यक्ष एवं
माननीय श्री मनोज कुमार अग्रवाल, लेखक सदस्य के समक्ष।
BEFORE HON’BLE SHRI MAHAVIR SINGH, VP AND
HON’BLE SHRI MANOJ KUMAR AGGARWAL, AM

आयकर अपील सं. ITA No.86/Chny/2023
(निर्धारण वर्ष / Assessment Year: 2017-18)

M/s. Smart Ceramics Pvt. Ltd 87, 100 Feet Road, Sastri Nagar, Vadapalani, Chennai -600 026.	बनान / Vs.	AO Corporate Ward-6(3) Chennai.
स्थायी लेखासं./जीआइआरसं./PAN/GIR No. AAJCS-4237-P		
(पीलार्थी/ Appellant)	:	(प्रत्यर्थी / Respondent)

अपीलार्थीकी ओरसे/ Appellant by	:	Shri B. Prathap (CA)- Ld.AR
प्रत्यर्थीकी ओरसे/ Respondent by	:	Shri P.Sajit Kumar (JCIT)- Ld. DR

सुनवाईकी तारीख/ Date of Hearing	:	26-06-2023
घोषणाकी तारीख / Date of Pronouncement	:	26-06-2023

आदेश / O R D E R

Manoj Kumar Aggarwal (Accountant Member)

1. During hearing of captioned appeal, Ld. AR submitted that the assessee filed wrong ITR forms which has led to wrong computation of income. The Ld. AR also submitted that correct schedules have been filled up by the assessee and rectification application as filed u/s 154 is pending for disposal by CPC. Thus, Ld. AR seeks early disposal of rectification application. The Ld. Sr. DR opposed the same on the ground that the assessee should file correct return of income after seeking

condonation u/s 119(2)(b). Having heard rival submissions and upon perusal of case records, the appeal is disposed-off as under.

2. The assessee earned business income and also income under the head capital gains which were routed through Profit & Loss Account. Accordingly, it was required to make necessary computation in Schedule BP and Schedule CG in accordance with applicable provisions. But the assessee failed to fill up the schedules properly which led to processing of return without allowing the deduction to the assessee. The assessee filed rectification application several time without any success. Upon further appeal, Ld. CIT(A), vide para 9.10 of the impugned order, held that this issue could not be considered u/s 154 of the Act. Aggrieved, the assessee is in further appeal before us.

3. Quite clearly, it is the fault of the assessee in filling the correct schedules which has led to wrong processing of return of income since computerized processing is done on the basis of assessee's inputs on 'garbage-in garbage-out' principle. However, taxes are to be collected as per the authority of law only and the revenue authorities could not take advantage of assessee's mistake. Therefore, considering the principle of nature justice, we direct concerned jurisdictional AO / AO-CPC to allow the rectification of the return of income after verification of computation of income. The assessee is directed to fill the correct schedules and provide all the information / documents as required by the assessing authority to facilitate the same.

4. The appeal stand allowed for statistical purposes.

Order pronounced on 26th June, 2023.

Sd/-
(MAHAVIR SINGH)
उपाध्यक्ष / **VICE PRESIDENT**

Sd/-
(MANOJ KUMAR AGGARWAL)
लेखा सदस्य / **ACCOUNTANT MEMBER**

चेन्नई Chennai; दिनांक Dated : 26-06-2023
DS

आदेश की प्रतिलिपि अग्रेषित/**Copy to:**

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आकर आपुक्त/CIT
4. विभागीय प्रतिनिधि/DR
5. गार्ड फाईल/GF