

आयकर अपीलीय अधिकरण, 'बी' (एस एम सी) न्यायपीठ, चेन्नई
**IN THE INCOME TAX APPELLATE TRIBUNAL
'B' (SMC) BENCH, CHENNAI**

श्री महावीर सिंह, उपाध्यक्ष के समक्ष
BEFORE SHRI MAHAVIR SINGH, VICE PRESIDENT

आयकर अपील सं./ITA No.: **389/CHNY/2023**

निर्धारण वर्ष/Assessment Year: 2018-19

**M/s. RTR Dharumaiyan
Mallika Educational Trust,**
C-125, Kurunji Nagar,
Ramapuram,
Chennai -600 089.

PAN:AABTR 9434J
(अपीलार्थी/Appellant)

**The Addl./Joint/Deputy/
Asst. Commissioner of
Income Tax / Income Tax
Officer,**
National E-Assessment Centre,
Delhi.

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से/Appellant by
प्रत्यर्थी की ओर से/Respondent by

: Shri K.R. Sudersan, CA
: Shri D. Hema Bhupal, JCIT

सुनवाई की तारीख/Date of Hearing : 03.07.2023
घोषणा की तारीख/Date of Pronouncement : 31.07.2023

आदेश /ORDER

This appeal filed by the assessee is arising out of the order of the Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi in order No.ITBA/NFAC/S/250/2022-23/1049390060(1) dated 03.02.2023. The assessment was framed by the Income Tax Officer, National E-Assessment Centre, Delhi for the assessment year 2018-19 u/s.143(3) r.w.s. 143(3A) & 143(3B) of the Income Tax Act, 1961 (hereinafter 'the Act') vide order dated 25.02.2021.

2. The only issue in this appeal of assessee is as regards to the order of CIT(A) in disallowing the expenses net out of cash amounting to Rs. 3,60,140/- and added the same to the returned income of the assessee. For this, the assessee has raised various grounds, which need not be reproduced.

3. I have heard the rival contentions and gone through the facts and circumstances of the case. I noted that the A.O disallowed the expenses in the absence of vouchers, despite the fact that the third party confirmation was filed by the assessee in regard to additional expenses under the head "vehicle maintenance charges at Rs.1,50,000/-" and thereby, out of the total expenses of Rs. 4,93,460/-, the A.O allowed only Rs. 1,33,500/- being proof of payment and disallowed the balance. The assessee before A.O as well as before CIT(A) contended that all these vehicle maintenance charges are incurred in relate to minor and paid expenses on day to day basis. The assessee is running an educational institution and is a non-profit oriented entity. Its main objective is to promote education to children the economically poor and down trodden section of the society in a very remote and interior part of a village Thethakudi, which is situated near Vedaranyam, a coastal area of Nagapattinam District. The village has a total population of 7695 people. For the year under scrutiny, the assessee, disclosed gross receipts of

Rs. 49,25,049/- and claimed an expenditure of Rs. 53,65,092/- in the return of income. I noted that once the assessee's case is clear cut, the claim of expenditure of Rs. 53,65,092/- out of which paid expenses of Rs. 3,60,140/- could not be vouched, because paid expenses of minor maintenance of vehicles. I find the explaining as reasonable and hence, allow the expenses.

4. In the result, the appeal filed by the assessee is allowed

Order pronounced on 31st July, 2023 at Chennai.

Sd/-

(महावीर सिंह)

(MAHAVIR SINGH)

उपाध्यक्ष /VICE PRESIDENT

चेन्नई/Chennai,

दिनांक/Dated, the 31st July, 2023

EDN

आदेश की प्रतिलिपि अग्रेषित/Copy to:

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|-------------------------|--------------------------|---------------------|
| 1. अपीलार्थी/Appellant | 2. प्रत्यर्थी/Respondent | 3. आयकर आयुक्त /CIT |
| 4. विभागीय प्रतिनिधि/DR | 5. गार्ड फाईल/GF. | |

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