

आयकर अपीलीय अधिकरण न्यायपीठ रायपुर में।
**IN THE INCOME TAX APPELLATE TRIBUNAL
RAIPUR BENCH: RAIPUR**

श्री रवीश सूद , न्यायिक सदस्य, एवं
श्री अरुण खोडपिया, लेखा सदस्य के समक्ष
**BEFORE SHRI RAVISH SOOD, JUDICIAL MEMBER AND
SHRI ARUN KHODPIA, ACCOUNTANT MEMBER**

आयकर अपील सं./ITA Nos.47 to 49/RPR/2023
निर्धारण वर्ष /Assessment Years: 2010-11 to 2012-13
&
**Cross-Objection Nos.16 to 18/RPR/2023
(in ITA Nos.47 to 49/RPR/2023)**
निर्धारण वर्ष /Assessment Years: 2010-11 to 2012-13

The Dy. Commissioner-
of Income Tax,
Circle-1(1),
Bilaspur, Chhattisgarh.

(अपीलार्थी/Appellant)

v. M/s.Jindal Power Ltd.,
Tamnar, Raigarh,
Chhattisgarh.

[PAN: AABCJ 4683 J]

(प्रत्यर्थी/Respondent/
Cross-Objector)

Department by : Smt.Ila M. Parmar, CIT-DR

Assessee by : Mr.Salil Kapoor, Adv. &
Mr.Vibhu Jain, Adv.

सुनवाई की तारीख/Date of Hearing : 08.08.2023
घोषणा की तारीख /Date of Pronouncement : 09.08.2023

आदेश / ORDER

PER BENCH:

The above appeals were filed by the Revenue against the order of the Commissioner of Income Tax (Appeals), Income Tax Department, National Faceless Appeal Centre, New Delhi, vide orders dated 15.12.2022, for the AYs 2010-11 to 2012-13. CO Nos.16 to 18/RPR/2023 for the AYs 2010-11

:: 2 ::

to 2012-13 are the Cross-Objections filed by the assessee against the Revenue appeals in ITA Nos.47-49/RPR/2023. Since, the issue involved in the present appeals and cross-appeals are identical, and therefore, we are dealing with these appeals under common order. For the sake of brevity, we are taking ITA No.47/RPR/2023 for the AY 2010-11 as lead case. Grounds of appeal filed by the assessee in ITA No.47/RPR/2023 are as under:

1. On the facts and circumstances of the case whether the Id. CIT(A), NFAC erred in law in deleting the disallowance of CSR expenses of Rs.5,39,76,720/- made by the AO for calculating book profit to arrive at MAT u/s 115JB, since CSR expenses is as per the Company Act and the same is not wholly and exclusively for the purpose of business within the explanation 2 of Section 37(1) of the Income Tax Act, 1961

2. On the facts and circumstances of the Id. CIT(A), NFAC has erred in law by holding the decision in favour of assessee and against the revenue, though there is no nexus between the conclusion of the fact and primary fact upon which that conclusion is based?

3. On the facts and circumstances of the Id. CIT(A), NFAC has erred in law in drawing a conclusion which cannot be drawn by any reasonable person or authority, on the material and facts placed before it?

4. The order of the Id. CIT(A), NFAC is erroneous both in law and on facts.

5. Any other ground that may be adduced at the time of hearing.

2. The brief facts of the case are that the assessee is a company filed its return of income disclosing book profit under the provisions of section 115JB. The cases of the assessee later were selected for scrutiny and statutory notices were issued. Assessment u/s.143(3) of the Income Tax Act, 1961 (in short "the Act") was completed. Subsequently, the Ld.AO has invoked the provisions of sec.154 of the Act and has rectified the assessed income of the assessee by adding a sum of Rs.5,39,76,720/- on account of Corporate Social Responsibility (in short "CSR") which was not considered

:: 3 ::

while determining the book profit by the assessee u/s 115JB. Order of the AO u/s.154 of the Act, for the AY 2010-11 is reproduced hereunder:

In this case, income was assessed at Rs.123,42,91,452/- U/s 143(3) and the book profit was also assessed at Rs.2823,43,92.054/ vide order dated 03.03.2013 .

On verification of record, pertaining to the AY 2010-11, it is noticed that the assessee had debited an amount of Rs.18.85 Crore under other expenses heading under Scheduled (Administration, Distribution and other Expenses) in P& L Account. Out of above, an amount of Rs.5,39,76,720/- was spent towards Community Welfare Expenses and Corporate Social Responsibility (CSR). Since it is not an admissible expenditure it should have been added for determining of book profit. The said amount was however not considered for increasing book profit u/s 115JB which resulted in under assessment of book profit by Rs.5,39,76,720/- and is proposed to be added with the assessed book profit of the assessee

Notice u/s.154 dated 20.03.2017 was issued to the assessee for the proposed rectification of the above mistake fixing the case for hearing on 23.03.2017. In compliance to this notice, Shri Deepak Garg, CA of the assessee filed a reply which is placed on record. Submission of the counsel is as under:-

" any amount of expenditure may be disallowed under assessment proceedings but as long as "Book Profit" is determined by following the provisions of Companies Act, relevant Accounting Standards etc., and which is duly certified by the auditor of the company as having been maintained in accordance with the provision of the Companies Act and which account has been accepted in the General Meeting of the Company as well as by the registrar of Companies then such disallowance of expenditure no way affected the "Book Profit" and AO has to accept the "Book Profit" without any modification for computing tax liability under the provisions of MAT."

The contention of the assessee is not acceptable as CSR was not expended wholly and exclusively for the purpose of business of the assessee. Further the explanation 2 to section 37(1) of the IT Act is clarificatory and not amendatory as it was inserted to remove the doubts. As the mistake is apparent from record, therefore, the same is rectified and the Impugned amount is added back to the assessed Book Profit of the assesses.

<i>Income as assessed u/s 143(3)</i>	<i>Rs.</i>	<i>123,42,91,452/-</i>
<i>Assessed Book Profit vide order dated 01/03/2013</i>	<i>Rs.</i>	<i>2823,43,92,054/-</i>
<i>Add: On account of Corporate Social Responsibility (for determination of book profit) (as discussed above)</i>	<i>Rs.</i>	<i>5,39,76,720/-</i>
<i>Total assessed Book Profit after rectification</i>	<i>Rs.</i>	<i>2828,83,68,774/-</i>

Revise the book profit accordingly. Give credit to the prepaid taxes. Charge interest as per law. Issue demand notice.

3. Aggrieved by the aforesaid order u/s.154 of the Act, the assessee preferred an appeal before the Ld.CIT(A), NFAC, wherein, the Ld.CIT(A) has accepted the contentions of the assessee and has observed that expenditure incurred on CSR shall be subject to disallowance u/s.37(1) of

:: 4 ::

the Act, or in absence of any specific provision given in sec.115JB of the Act, should be added while determining the book profit. The observations of the Ld.CIT(A) in Para Nos.5.1 & 5.2 are extracted hereunder:

5.1 In assessee's own case for A.Y. 2008-09, ACIT Vs. Jindal Power Ltd. [2016] 179 TTJ 736, I TAT Raipur Bench has decided that, "As a matter of fact, the amendment in law, which was accompanied by the statutory requirement with regard to discharging the corporate social responsibility: is a disabling provision which puts an additional tax burden on the assessee in the sense that the expenses that the assessee is required to incur, under a statutory obligation, in the course of his business are not allowed deduction in the computation of income. This disallowance is restricted to the expenses incurred by the assessee under a statutory obligation under section 135 of Companies Act 2013, and there is thus now a line of demarcation between the expenses incurred by the assessee on discharging corporate social responsibility under such a statutory obligation and under a voluntary assumption of responsibility. As for the former, the disallowance under Explanation 2 to Section 37(1) comes into play, but, as for latter, there is no such disabling provision as long as the expenses, even in discharge of corporate social responsibility on voluntary basis, can be said to be "wholly and exclusively for the purposes of business". There is no dispute that the expenses in question are not incurred under the aforesaid statutory obligation. For this reason also, as also for the basic reason that the Explanation 2 to Section 37(1) comes into play with effect from 1st April 2015, we hold that the disabling provision of Explanation 2 to Section 37(1) does not apply on the facts of this case. The appellant has submitted that the above-mentioned order was challenged by the revenue before the Hon'ble High Court of Chhattisgarh in TAXC No.15/2017 and the High court dismissed the said appeal and thereby affirmed the order in favour of the Assessee regarding the admissibility of claim of CSR expense.

5.2 From the above discussion it is clear that the explanation 1 to section 37 ruling CSR expenses was enacted with effect from 1.4.2015. Without entering into further discussion whether CSR expenditure shall be subject to disallowance under section 37(1) or in the absence of any specific provision given in section 115JB, whether CSR expenditure can be added back for computing the Book Profit, it is apparent that the addition of Rs 5,39,76,720/- to book profit on account of disallowance on Community Welfare Expense/ CSR is bad in law. Respectfully following the decision of the Tribunal on this issue in assessee's own case and CBDT circular no. 1/2015, the ground of appeal raised by the appellant is hereby allowed.

Since, the relief was granted by the Ld.CIT(A), now the Revenue is in appeals with the contention that Ld.CIT(A), NFAC, has erred in law in deleting the disallowance of CSR expenses of Rs.5,39,76,720/- made by the AO for calculating book profit to arrive at MAT u/s.115JB of the Act.

:: 5 ::

4. At the outset, the Ld.CIT-DR vehemently and strongly supported the order of the AO passed u/s.154 of the Act and has prayed to set aside the order of the Ld.CIT(A), NFAC and restore the disallowance made by the AO.

5. On the contrary, The Ld.AR of the assessee while representing the cases of the assessee has submitted that the issue in the present appeals is squarely covered by the decision of the co-ordinate Bench, ITAT Raipur in ITA No. reported in [2016] 179 TTJ 736 (Raipur Tribunal), wherein, it was the observation of the ITAT that, there is no dispute that the expenses of 'CSR' in question are not incurred under the statutory obligation. For this reason also, as also for the basic reason that the Explanation 2 to Section 37(1) comes into play with effect from 1st April 2015, we hold that the disabling provision of Explanation 2 to Section 37(1) does not apply on the facts of this case. The observation of the ITAT Raipur was further approved by the Hon'ble High Courts of Chhattisgarh by dismissing the appeal of the revenue vide TAXC No 48 of 2019 dated 20.01.2020.

6. On the question of adding of CSR expense in determining of book profit u/s 115JB, the Ld.AR further placed his reliance on the decision of co-ordinate Bench, ITAT, New Delhi, 'B' Bench, dated 10.08.2022 in ITA No.9120/Del/2019, wherein the co-ordinate Bench of ITAT New Delhi has held in Para No.11 as under:

11. In our considered opinion, none of the clauses above provides that CSR expenses have to be added to book profit. Except for the wild imagination of the Assessing Officer by no stretch of imagination, it can be said expenditure on CSR expenses is a transfer to/from

:: 6 ::

reserve. Hon'ble Apex Court in Apollo Tyers (supra) have clearly laid down that the Assessing Officer or assessee, none can tinker with book profit disclosed in audited account. It is not the case that the accounts have not been prepared as per accepted accounting principle. Once the accounts have been prepared in accordance with standards in this regard, this tinkering by the Assessing Officer has no sanction of law. We have no hesitation in setting aside the addition to book profit in this regard.

7. The Ld.AR further drew our attention to Page Nos.115-122 of case law compilation, wherein, the Hon'ble Apex Court in the case of Apollo Tyers Ltd. v. CIT reported in [2002] 258 ITR 273 (SC) was held as under:

".....Therefore, we are of the opinion that the Assessing Officer while computing the income under section 115J has only the power of examining whether the books of account are certified by the authorities under the Companies Act as having been properly maintained in accordance with the Companies Act. The Assessing Officer thereafter has the limited power of making increase and reductions as provided for in the Explanation to the said section. To put it differently, the Assessing Officer does not have the jurisdiction to go behind the net profit shown in the profit and loss account except to the extent provided in the Explanation to Section 115J.....".

8. On the contrary to the submissions of the Ld.AR, the CIT-DR vehemently supported the order of the AO and requested to decide the issue on its merits.

9. After hearing the rival contentions and on perusal of materials available on records, case laws placed before us to be considered while deciding the issue. The sole ground of the controversy raised by the Revenue in the present appeals pertains to deleting the disallowance of CSR expenses by Ld CIT(A), made by the AO for calculating book profit to arrive at MAT u/s.115JB of the Act, alleging that CSR expenses as per the Companies Act, when the same has not wholly and exclusively for the purpose of business of the assessee should be added to assessable income under the scheme of working of book profit u/s 115JB. Further, in the present appeal, Ld AO has interpreted that the explanation-2 to Sec.37(1)

:: 7 ::

of the Act is clarificatory and not mandatory as it was inserted to remove the doubts, therefore the mistake is apparent from records, accordingly, the AO has added an amount of Rs.5,39,76,720/- to the profit of the assessee company while calculating book profit in terms of provisions of sec.115JB of the Act, alleging that the CSR expenses incurred by the assessee company were not expended wholly and exclusively for the purpose of business of the assessee. At this juncture, the earlier decision of the ITAT Raipur in the assessee's own case is relevant that the the Explanation 2 to Section 37(1) comes into play with effect from 1st April 2015, it is held that the disabling provision of Explanation 2 to Section 37(1) does not apply on the facts of this case.

10. Now to understand the issue that whether CSR expenses should be added back to profit arrived at under Companies Act for calculating the book profit u/s 115JB, relevant provisions along with explanations to sec.115JB of the Act, are extracted as under:

115JB. (1) Notwithstanding anything contained in any other provision of this Act, where in the case of an assessee, being a company, the income-tax, payable on the total income as computed under this Act in respect of any previous year relevant to the assessment year commencing on or after the 1st day of April, 2012, is less than eighteen and one-half per cent of its book profit, such book profit shall be deemed to be the total income of the assessee and the tax payable by the assessee on such total income shall be the amount of income-tax at the rate of eighteen and one-half per cent.

.....

Explanation 1.—For the purposes of this section, "book profit" means the profit as shown in the statement of profit and loss for the relevant previous year prepared under sub-section (2), as increased by—

(a) the amount of income-tax paid or payable, and the provision therefor; or

(b) the amounts carried to any reserves, by whatever name called, other than a reserve specified under section 33AC; or

:: 8 ::

(c) the amount or amounts set aside to provisions made for meeting liabilities, other than ascertained liabilities; or

(d) the amount by way of provision for losses of subsidiary companies; or

(e) the amount or amounts of dividends paid or proposed ; or

(f) the amount or amounts of expenditure relatable to any income to which section 10 (other than the provisions contained in clause (38) thereof) or section 11 or section 12 apply; or

(fa) the amount or amounts of expenditure relatable to income, being share of the assessee in the income of an association of persons or body of individuals, on which no income-tax is payable in accordance with the provisions of section 86; or

(fb) the amount or amounts of expenditure relatable to income accruing or arising to an assessee, being a foreign company, from,—

(A) the capital gains arising on transactions in securities; or

(B) the interest, royalty, or fees for technical services chargeable to tax at the rate or rates specified in Chapter XII,

if the income-tax payable thereon in accordance with the provisions of this Act, other than the provisions of this Chapter, is at a rate less than the rate specified in sub-section (1); or

(fc) the amount representing notional loss on transfer of a capital asset, being share of a special purpose vehicle, to a business trust in exchange of units allotted by the trust referred to in clause (xvii) of section 47 or the amount representing notional loss resulting from any change in carrying amount of said units or the amount of loss on transfer of units referred to in clause (xvii) of section 47; or

(fd) the amount or amounts of expenditure relatable to income by way of royalty in respect of patent chargeable to tax under section 115BBF; or

(g) the amount of depreciation,

(h) the amount of deferred tax and the provision therefor,

(i) the amount or amounts set aside as provision for diminution in the value of any asset,

(j) the amount standing in revaluation reserve relating to revalued asset on the retirement or disposal of such asset,

(k) the amount of gain on transfer of units referred to in clause (xvii) of section 47 computed by taking into account the cost of the shares exchanged with units referred to in the said clause or the carrying amount of the shares at the time of exchange where such shares are carried at a value other than the cost through statement of profit and loss, as the case may be;

if any amount referred to in clauses (a) to (i) is debited to the statement of profit and loss or if any amount referred to in clause (j) is not credited to the statement of profit and loss, and as reduced by,—

(i) the amount withdrawn from any reserve or provision (excluding a reserve created before the 1st day of April, 1997 otherwise than by way of a debit to the statement of profit and loss), if any such amount is credited to the statement of profit and loss:

Provided that where this section is applicable to an assessee in any previous year, the amount withdrawn from reserves created or provisions made in a previous year relevant to the assessment year commencing on or after the 1st day of April, 1997 shall not be reduced from the book profit unless the book profit of such year has been increased by those reserves or provisions (out of which the said amount was withdrawn) under this Explanation or Explanation below the second proviso to section 115JA, as the case may be; or

:: 9 ::

(ii) the amount of income to which any of the provisions of section 10 (other than the provisions contained in clause (38) thereof) or section 11 or section 12 apply, if any such amount is credited to the statement of profit and loss; or

(iia) the amount of depreciation debited to the statement of profit and loss (excluding the depreciation on account of revaluation of assets); or

(iib) the amount withdrawn from revaluation reserve and credited to the statement of profit and loss, to the extent it does not exceed the amount of depreciation on account of revaluation of assets referred to in clause (iia); or

(iic) the amount of income, being the share of the assessee in the income of an association of persons or body of individuals, on which no income-tax is payable in accordance with the provisions of section 86, if any, such amount is credited to the statement of profit and loss; or

(iid) the amount of income accruing or arising to an assessee, being a foreign company, from,—

(A) the capital gains arising on transactions in securities; or

(B) the interest, royalty or fees for technical services chargeable to tax at the rate or rates specified in Chapter XII,

if such income is credited to the statement of profit and loss and the income-tax payable thereon in accordance with the provisions of this Act, other than the provisions of this Chapter, is at a rate less than the rate specified in sub-section (1); or

(iie) the amount representing,—

(A) notional gain on transfer of a capital asset, being share of a special purpose vehicle to a business trust in exchange of units allotted by that trust referred to in clause (xvii) of section 47; or

(B) notional gain resulting from any change in carrying amount of said units; or

(C) gain on transfer of units referred to in clause (xvii) of section 47,

if any, credited to the statement of profit and loss; or

(iif) the amount of loss on transfer of units referred to in clause (xvii) of section 47 computed by taking into account the cost of the shares exchanged with units referred to in the said clause or the carrying amount of the shares at the time of exchange where such shares are carried at a value other than the cost through statement of profit and loss, as the case may be; or

(iig) the amount of income by way of royalty in respect of patent chargeable to tax under section 115BBF; or

[(iih) the aggregate amount of unabsorbed depreciation and loss brought forward in case of a company against whom an application for corporate insolvency resolution process has been admitted by the Adjudicating Authority under section 7 or section 9 or section 10 of the Insolvency and Bankruptcy Code, 2016 (31 of 2016).

Explanation.—For the purposes of this clause, the expression "Adjudicating Authority" shall have the meaning assigned to it in clause (1) of section 5 of the Insolvency and Bankruptcy Code, 2016 (31 of 2016) and the loss shall not include depreciation; or]

Following clause (iih) shall be substituted for the existing clause (iih) of Explanation 1 to sub-section (2) of section 115JB by the Finance (No. 2) Act, 2019, w.e.f. 1-4-2020 :

(iih) the aggregate amount of unabsorbed depreciation and loss brought forward in case of a—

(A) company, and its subsidiary and the subsidiary of such subsidiary, where, the Tribunal, on an application moved by the Central Government under section 241 of the Companies Act, 2013 (18 of

:: 10 ::

2013) has suspended the Board of Directors of such company and has appointed new directors who are nominated by the Central Government under section 242 of the said Act;

(B) company against whom an application for corporate insolvency resolution process has been admitted by the Adjudicating Authority under section 7 or section 9 or section 10 of the Insolvency and Bankruptcy Code, 2016 (31 of 2016).

Explanation.—For the purposes of this clause,—

(i) "Adjudicating Authority" shall have the meaning assigned to it in clause (1) of section 5 of the Insolvency and Bankruptcy Code, 2016 (31 of 2016);

(ii) "Tribunal" shall have the meaning assigned to it in clause (90) of section 2 of the Companies Act, 2013 (18 of 2013);

(iii) a company shall be a subsidiary of another company, if such other company holds more than half in the nominal value of equity share capital of the company;

(iv) "loss" shall not include depreciation; or

(iii) the amount of loss brought forward or unabsorbed depreciation, whichever is less as per books of account in case of a company other than the company referred to in clause (iih).

Explanation.—For the purposes of this clause,—

(a) the loss shall not include depreciation;

(b) the provisions of this clause shall not apply if the amount of loss brought forward or unabsorbed depreciation is nil; or

(iv) to (vi) [***]

(vii) the amount of profits of sick industrial company for the assessment year commencing on and from the assessment year relevant to the previous year in which the said company has become a sick industrial company under sub-section (1) of section 17 of the Sick Industrial Companies (Special Provisions) Act, 1985 (1 of 1986) and ending with the assessment year during which the entire net worth of such company becomes equal to or exceeds the accumulated losses.

Explanation.—For the purposes of this clause, "net worth" shall have the meaning assigned to it in clause (ga) of sub-section (1) of section 3 of the Sick Industrial Companies (Special Provisions) Act, 1985 (1 of 1986); or

(viii) the amount of deferred tax, if any such amount is credited to the statement of profit and loss.

11. On perusal of the aforesaid provisions of section 115JB, while deciding this issue, we are also guided by the observation of the Hon'ble Apex Court in the case of Apollo Tyers Ltd., (supra) wherein, the Hon'ble Apex Court has held that -

"AO had no authority to re-open accounts of a company which were certified by auditors of company as having been maintained in accordance with provisions of the Companies Act and which account had been accepted in General Meeting of company as well as by Registrar of Companies – Whether, while computing income

:: 11 ::

u/s.115J, AO has only power of examining whether books of accounts are certified by authorities under Companies Act as having been properly maintained in accordance with Companies Act, and thereafter, he has limited power of making additions and deductions provided for in Explanation to said section – Held. Yes – Whether, therefore, the AO does not have jurisdiction to go behind net profit shown in P & L A/c except to extent provided in explanation to Sec.115J - Held 'Yes'.

12. Issue pertaining to disallowance of CSR expenses prior to amendment came in to effect on 01.04.2015, was discussed and decided in the assessee's own case for the AY 2008-09 referred to supra, wherein, the coordinate Bench of ITAT, Raipur has held that –

"disallowance is restricted to expenses incurred by the assessee under statutory obligation u/s.135 of Companies Act, 2013 and it does not apply to expenditure incurred in discharge of CSR on voluntarily basis – Held, Yes – Whether, in view of aforesaid legal position, expenditure incurred by the assessee on CST on voluntarily basis such as construction of school building, drainage, barbed wire fencing etc., was to be allowed as deduction u/s.37(1) – Held, Yes.

13. The impugned issue was carried to the Hon'ble jurisdictional High Court by the Revenue, wherein, the Hon'ble High Courts has held that –

"we are of the view that the decision has been rendered by the Tribunal clearly on question of facts and it does not involve any question of law much less in substantial question of law and then dismissed the appeal filed by the Revenue." The same was taken note of by the Ld.CIT(A) while deciding the issue for year under consideration and has decided that the additions to book profit on account of disallowance on community welfare expenses/CSR is bad in law. Also, in terms of provisions of sec. sec.115JB of the Act and explanation thereto CSR expenses is not specific items which has to be added back while determining the book profit.

14. In view of the aforesaid binding judicial pronouncements and our observations hereinabove since the department has not raised any

:: 12 ::

argument with respect to preparation of account of the company or doubted on audited accounts of the assessee that the same are not in accordance with the provisions of the Companies Act. Respectfully following the ratio of law laid down by the Hon'ble Apex Court in the case of Apollo Tyers (supra) which was further followed by the ITAT Delhi Tribunal in the case of GE Powers Systems India Pvt. Ltd (supra), we are of the considered opinion that the adjustment made by the AO by invoking provisions of sec.154 making addition of CSR expenses to the book profit of the company while determining the book profit u/s.115JB was bad in law which was rightly deliberated and comprehended by the Ld.CIT(A). Therefore, the order of the Ld.CIT(A) cannot be held as erroneous, thus, the same deserves to be sustained, and we do so. In the result, appeal filed by the Revenue in ITA No.47/RPR/2023 stands dismissed.

15. With regard to ITA Nos.48 & 49/RPR/2023, our decision in ITA NO.47/RPR/2023 will *mutatis mutandis* apply, and therefore, these two appeals filed by the Revenue are also stands dismissed.

16. Apropos, Cross-Objections of the assessee. Since the sole issue in appeals filed by the Revenue has already been dismissed in terms of our observations hereinabove, the ground raised by the assessee in its Cross-Objections in support of the order of the Ld. CIT(A) along with certain legal grounds rendered academic in nature, are not adjudicated, left open, accordingly, Cross-Objections are disposed off.

:: 13 ::

17. In the result, appeals filed by the Revenue in ITA Nos.47-49/RPR/2023 & Cross-Objections filed by the assessee in CO Nos.16-18/RPR/2023 are dismissed.

Order pronounced on the 09th day of August 2023, in Raipur.

Sd/-

(रवीश सूद)

(RAVISH SOOD)

न्यायिक सदस्य/JUDICIAL MEMBER

Sd/-

(अरुण खोडपिया)

(ARUN KHODPIA)

लेखा सदस्य/ACCOUNTANT MEMBER

रायपुर/Raipur,

दिनांक/Dated: 09th August, 2023.

TLN, Sr.PS

आदेश की प्रतिलिपि अग्रेषित/Copy to:

1. अपीलार्थी / The Appellant
2. प्रत्यर्थी / The Respondent
3. आयकर आयुक्त (अपील) / The CIT(A)-1, Raipur (C.G)
4. The Pr.CIT-1, Raipur (C.G)
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, रायपुर बेंच, रायपुर /
The DR, ITAT, Raipur Bench, Raipur.
6. गार्ड फाईल/Guard File

आदेशानुसार / By Order

वरिष्ठ निजी सचिव / Sr. Private Secretary
आयकर अपीलीय अधिकरण, रायपुर / ITAT, Raipur