

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH 'G', NEW DELHI**

**Before Dr. B. R. R. Kumar, Accountant Member
Sh. Yogesh Kumar US, Judicial Member**

ITA No. 1432/Del/2022: Asstt. Year: 2020-21

Surajkiran Renewable Resources P. Ltd., C-105, Adani House, Anand Niketan, New Delhi-110021 (APPELLANT)	Vs.	ACIT, Central Circle-16, New Delhi (RESPONDENT)
PAN No. AAWCS1047A		

**Assessee by : Ms. Meenu Minal, CA
Revenue by : Sh. Anuj Garg, Sr. DR**

Date of Hearing: 03.08.2023

Date of Pronouncement: 09.08.2023

ORDER

Per Dr. B. R. R. Kumar, Accountant Member:

The present appeal has been filed by the assessee against the order of Id. CIT(A)-26, New Delhi dated 21.04.2022 passed by the AO u/s 143(1) of the Income Tax Act, 1961.

2. The assessee has raised the following grounds of appeal:

"1. On the facts and in the circumstances of the case, the Ld. CIT (Appeals) erred in dismissing the ground of appeal raised by the Appellant against the AO processing the revised return filed by it under Section 143(1) of the Income Tax Act, 1961 at Rs. 1,19,02,895 as against income at Rs. NIL shown by the Appellant.

2. On the facts and in the circumstances of the case, the Ld. CIT (Appeals) erred in not accepting the contention of Appellant for computing income as per provisions of Section 115BAA of the Act.

3. On the facts and in the circumstances of the case, the Ld. CIT (Appeals) erred in computing book profit under Section 115JB of the Act when such provisions are not applicable to Appellant."

3. Pertinent facts relevant to the adjudication of the case are as under:

1. The original return was filed by the assessee on 15.02.2021 declaring book profit u/s 115JB of the Income Tax Act, 1961 at Rs.1,19,02,800/-.
2. The assessee filed revised return on 31.05.2021 declaring NIL income opting for new tax regime u/s 115BAA.
3. CPC processed the original return ignoring the revised return.
4. As per the intimation, the extended due date for filing of the return was 15.02.2021 and the assessee filed original return on 15.02.2021.
5. The assessee filed revised return on 26.05.2021 and the intimation u/s 143(1) has been issued on 18.12.2021.
6. From the above, it can be held that a valid revised return has been filed by the assessee even before the original return was processed u/s 143(1).

4. Hence, we hold that the revenue authorities ought to have taken into consideration the revised return and the Form 10-IC which has been filed along with the revised return, adhering to the provisions of Section 115BAA.

5. In the result, the appeal of the assessee is allowed.

Order Pronounced in the Open Court on 09/08/2023.

Sd/-

(Yogesh Kumar US)
Judicial Member

Sd/-

(Dr. B. R. R. Kumar)
Accountant Member

Dated: 09/08/2023

Subodh Kumar, Sr. PS

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

ASSISTANT REGISTRAR