

आयकर अपीलीय अधिकरण न्यायपीठ पणजी में ।
IN THE INCOME TAX APPELLATE TRIBUNAL, PANAJI

(Through Virtual Court)

BEFORE SHRI R.S. SYAL, VICE PRESIDENT
AND
SHRI S.S. VISWANETHRA RAVI, JUDICIAL MEMBER

आयकर अपील सं. / ITA No.55/PAN/2017
निर्धारण वर्ष / Assessment Year : 2003-04

Guala Closures (India) Pvt. Ltd.,
D-1, Sesa Ghor, Patto Plaza,
Panaji – Goa – 403001

PAN : AAACG4447J

.....अपीलार्थी / Appellant

बनाम / V/s.

Assistant Commissioner of Income Tax,
Circle – 1(1), Panaji

.....प्रत्यर्थी / Respondent

Assessee by : Shri A Remedios
Revenue by : Shri P.S. Shivshankar

सुनवाई की तारीख / Date of Hearing : 11-09-2023
घोषणा की तारीख / Date of Pronouncement : 20-09-2023

आदेश / ORDER

PER S.S. VISWANETHRA RAVI, JM :

This appeal by the assessee against the order dated 23-11-2016 passed by the Commissioner of Income Tax (Appeals)-1, Panaji [‘CIT(A)’] for assessment year 2003-04.

2. The assessee raised three grounds of appeal amongst which the only issue emanates for our consideration is as to whether the CIT(A) justified in

not accepting the contention of the assessee in granting 100% of certified export profits in the facts and circumstances of the case.

3. We note that the assessee filed return of income declaring a total income of Rs.18,39,13,318/- on 30-11-2009 which was accepted under assessment passed u/s. 143(3) of the Act, wherein, the claim of the assessee seeking 50% of certified export profits were allowed. The said assessment was quashed by the CIT u/s. 263 of the Act, which in turn the ITAT quashed the order of CIT passed u/s. 263 of the Act. Therefore, the original assessment made by the AO u/s. 143(3) of the Act was restored and the claim of assessee at 50% of certified export profits remained as such. The assessee has agitated the claim of 100% of certified export profits before the CIT(A). The CIT(A) considering the ITAT order, wherein, the original order of AO was restored, denied the claim of assessee in allowing 100% certified export profits. On perusal of the impugned order, we find no force in the arguments of ld. AR in seeking 100% certified export profits as there was no such claim in the original assessment order passed u/s. 143(3) of the Act which is evident from para 6.3 of the impugned order, therefore, we find no infirmity in the order of CIT(A) and the grounds raised by the assessee fails and are dismissed.

4. In the result, the appeal of assessee is dismissed.

Order pronounced in the open court on 20th September, 2023.

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

Sd/-
(S.S. Viswanethra Ravi)
JUDICIAL MEMBER

पुणे / Pune; दिनांक / Dated : 20th September, 2023.

रवि

आदेश की प्रतिलिपि अग्रेषित / Copy of the Order forwarded to :

1. अपीलार्थी / The Appellant.
2. प्रत्यर्थी / The Respondent.
3. The CIT(A)-1, Panaji.
4. The Pr. CIT, Panaji.
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, पणजी,
/ DR, ITAT, Panaji.
6. गार्ड फ़ाइल / Guard File.

//सत्यापित प्रति// True Copy//

आदेशानुसार / BY ORDER,

वरिष्ठ निजी सचिव / Sr. Private Secretary
आयकर अपीलीय अधिकरण ,पुणे / ITAT, Pune