

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.211/PAN/2018
निर्धारण वर्ष / Assessment Year : 2013-14

M/s. M.M. Bagwan & Bros.,
Nehru Market,
Vijayapur – 586101

PAN : AADFM4582G

.....अपीलार्थी / Appellant

बनाम / V/s.

Pr. Commissioner of Income Tax,
Balagavi

.....प्रत्यर्थी / Respondent

Assessee by : Shri Radhesham Bhattad
Revenue by : Shri P.S. Shivshankar

सुनवाई की तारीख / Date of Hearing : 14-09-2023
घोषणा की तारीख / Date of Pronouncement : 21-09-2023

आदेश / ORDER

PER S.S. VISWANETHRA RAVI, JM :

This appeal by the assessee against the order dated 22-03-2018 passed u/s. 263 of the Act by the Principal Commissioner of Income Tax, Belagavi for assessment year 2013-14.

2. The assessee raised four grounds of appeal amongst which the only issue emanates for our consideration is as to whether the Pr. CIT justified in invoking the jurisdiction u/s. 263 of the Act.

3. At the outset, we note that the Pr. CIT initiated 263 proceedings by issuing a notice dated 21-12-2017 finding the AO failed to examine vehicle expenses, purchase promotion expenses, non-deduction TDS and accordingly show caused the assessee why the assessment order passed u/s. 143(3) of the Act should not be set aside for non-examination of the said issues in the assessment proceedings. The ld. AR drew our attention to the written submissions placed at pages 1 to 12 of the paper book. According to the ld. AR that the AO satisfied on verification of vouchers which were maintained and produced in the assessment proceedings. Likewise, other issues on purchase promotion expenses and non-deduction of TDS up to verify the details, the AO found satisfied and passed assessment order. The ld. DR drew our attention to the assessment order and submits that the AO did not examine the issues pointed by the Pr. CIT in 263 proceedings and nowhere, the AO referred or discussed the said issue in the assessment order. The ld. DR supported the order of Pr. CIT and drew our attention to paras 3 to 3.2 of the impugned order and argued that the Pr. CIT discussed the issues in detail and found no examination whatsoever at all made by the AO during the course of assessment proceedings. On perusal of the assessment order dated 28-01-2016 which is part of appeal memo, we find no discussion whatsoever detailed therein by the AO in the assessment order. On an examination of the impugned order, we note that no verification accorded by the AO for the issues raised by the Pr. CIT in 263 proceedings as rightly pointed by the ld. DR, in view of the same, we find no infirmity in the order of Pr. CIT in exercising of jurisdiction u/s. 263 of the Act in setting aside the assessment order dated 28-01-2016 passed u/s. 143(3) of the Act as erroneous and prejudicial to the interest of Revenue. Thus, 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 21st September, 2023.

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

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

पुणे / Pune; दिनांक / Dated : 21st September, 2023.
रवि

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

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

//सत्यापित प्रति// True Copy//

आदेशानुसार / BY ORDER,

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