

IN THE INCOME TAX APPELLATE TRIBUNAL

PANAJI BENCH : PANAJI

(THROUGH VIRTUAL HEARING AT ITAT : PUNE BENCHES : PUNE)

BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER
AND

DR. DIPAK RIPOTE, ACCOUNTANT MEMBER

ITA.No.395/PAN./2018
Assessment Year 2012-2013

Trimurti Mining Services, CF 1 & 3, JB Apartments, Near Pandava Chapel, Alto Aquem, Margao-Goa. PIN – 403 601 PAN AAFT7696K	vs.	The DCIT, Circle-1, Income Tax Office, 3 rd Floor, Blessing Pioneer Commercial Complex, Opp. District & Sessions Court, Margao.
(Appellant)		(Respondent)

For Assessee :	-None-
For Revenue :	Shri N. Shrikanth

Date of Hearing :	10.10.2023
Date of Pronouncement :	13.10.2023

ORDER

PER SATBEER SINGH GODARA, J.M. :

This assessee's appeal for assessment year 2012-13, arises against the CIT(A), Panaji-1, Panaji's order in case I.T.A.no.348/CIT(A) PNJ-1/2014-15, dated 02.07.2018, involving proceedings u/s. 143(3) of the Income Tax Act, 1961 (in short "the Act").

Case called twice. None appears at assessee's behest. The same factual position has been continuing in all the preceding hearings right from 06.04.2022 onwards. It is accordingly proceeded ex-parte.

2. The assessee raised the following twin substantive grounds in the instant appeal :

1. *“The learned CIT(A) erred in upholding addition of Rs.1,53,013/- comprehending the vehicle rental as contract receipt liable to TDS u/s.194C of the Income Tax Act and consequently adding u/s.40(a)(ia) of the Act. without appreciating the facts of the case.*
2. *The learned CIT(A) erred in upholding addition of Rs.10,20,726/- holding the same as cessation of liability u/s 41(1) of the income Tax Act, without appreciating the facts of the case.*
3. *The appellant craves, leaves to add/alter any other grounds at the time of hearing.”*

3. We now advert to the first and foremost issue of sec.40(a)(ia) r.w.s.194C disallowance on account of the assessee's failure in deducting TDS on the corresponding payments involving vehicle hire charges. A perusal of the case file reveals that the assessee has not been able to rebut either the Assessing Officer's or the CIT(A)'s findings that the impugned payments indeed attracted TDS deduction and failure thereof results in sec.40(a)(ia) disallowance in question. We thus see no reason to reverse learned lower authorities findings under challenge.

4. The outcome would be hardly any different in latter issue of cessation of liability u/sec.41(1) as well as the assessee could not prove the same having remained outstanding in the relevant previous year. This is indeed coupled with the fact that the assessee did not have any business transactions with the said parties in the preceding assessment years. We thus affirm the impugned latter sec.41(1) cessation of liability addition in very terms therefore. Ordered accordingly.

5. This assessee's appeal is dismissed in above terms.

Order pronounced in the open Court on 13.10.2023.

Sd/-
[DR. DIPAK P. RIPOTE]
ACCOUNTANT MEMBER

Sd/-
[SATBEER SINGH GODARA]
JUDICIAL MEMBER

Pune, Dated 13th October, 2023

VBP/-

Copy to

1.	The applicant
2.	The respondent
3.	The CIT(A), Panaji-1, Aayakar Bhavan, Plot No.5, EDC Complex, Patto Plaza, Panaji – 403 001.
3.	The Pr. CIT, Panaji
4.	D.R. ITAT – 'Panaji' Bench, Panaji
5.	Guard File.

//By Order//

//True Copy //

Assistant Registrar, ITAT, Pune Benches,
Pune.