

आयकर अपीलीय अधिकरण, कोलकाता पीठ “ए”, कोलकाता

IN THE INCOME TAX APPELLATE TRIBUNAL “A” BENCH: KOLKATA

श्री राजेश कुमार, लेखा सदस्य एवं श्री संजय शर्मा न्यायिक सदस्य के समक्ष

[Before Shri Rajesh Kumar, Accountant Member & Shri Sonjoy Sarma, Judicial Member]

I.T.A. No. 834/Kol/2023

Assessment Year: 2012-13

DCIT,CC-3(2), Kolkata	Vs.	Manav Trexim Pvt. Ltd. (PAN: AABCM 7709 A)
Appellant / (अपीलार्थी)		Respondent / (प्रत्यर्थी)

CORRIGENDUM

Per Rajesh Kumar, AM:

By virtue of application dated 6.01.2024 preferred by the revenue it was correctly pointed out that an inadvertent typographical error has occurred in ITA No. 834/Kol/2023 for AY 2012-13 in Para no. 3. The sentence reads as “The only issue raised by the assessee is against the order of Ld. CIT(A) upholding the order of AO where the AO has made addition of Rs. 5,10,00,000/- on account of unexplained cash credit u/s 68 of the Act” however the correct sentence would be “The only issue raised by the revenue is against the order of Ld. CIT(A) reversing the order of AO where the AO has made addition of Rs. 5,10,00,000/- on account of unexplained cash credit u/s 68 of the Act.” It was also pointed out that the last sentence in para 7 was also wrong added and reads as “The Ld. CIT(A) dismissed the appeal of the assessee without doing any further verification or given its finding on the issue” which is to be deleted. Hence this corrigendum is issued to modify the order accordingly. The impugned order is hereby corrected and para no. 3 and Para 7 shall be read as

“3. The only issue raised by the revenue is against the order of Ld. CIT(A) reversing the order of AO where the AO has made addition of Rs. 5,10,00,000/- on account of unexplained cash credit u/s 68 of the Act”.

7. The Ld. A.R vehemently submitted before us that in the remand proceedings, the AO has not carried out any further verification however reiterated

his opinion that the premium paid by share subscriber were not justified and stated that with the share capital may be treated as expenditure whereas the share premium may be treated as unexplained cash credit u/s 68 of the Act.”

Hence this corrigendum is issued to modify the order accordingly.

2. In the result, the appeal of the revenue is allowed.

Order is pronounced in the open court on 20th February, 2024

Sd/-

Sd/-

(Sonjoy Sarma /संजय शर्मा)
Judicial Member/न्यायिक सदस्य

(Rajesh Kumar/राजेश कुमार)
Accountant Member/लेखा सदस्य

Dated: 20th February, 2024

SM, Sr. PS

Copy of the order forwarded to:

1. Appellant- DCIT, CC-3(2), Kolkata
2. Respondent – Manav Trexim Pvt. Ltd., Basil Heights, 3rd Floor, 3C, U. N. Brahmachari Street, Loudon Street, West Bengal-700017
3. Ld. CIT(A)-21, Kolkata
4. Ld. Pr. CIT- , Kolkata
5. DR, Kolkata Benches, Kolkata (sent through e-mail)

True Copy

By Order

Assistant Registrar
ITAT, Kolkata Benches, Kolkata