

आयकर अपीलीय अधिकरण, 'बी' न्यायपीठ, चेन्नई
IN THE INCOME TAX APPELLATE TRIBUNAL
'B' BENCH, CHENNAI

श्री महावीर सिंह, उपाध्यक्ष एवं श्री मंजुनाथा. जी, लेखा सदस्य के समक्ष

**BEFORE SHRI MAHAVIR SINGH, VICE PRESIDENT AND
SHRI MANJUNATHA.G, ACCOUNTANT MEMBER**

आयकर अपीलसं./ITA No.: 1492/CHNY/2023

निर्धारण वर्ष/Assessment Year: 2016-17

M/s. Kinchitkaram Trust,

No.6, Bheemasena Garden Street,
Mylapore,
Chennai – 600 004.

The Income Tax Officer

(Exemptions),
Ward 1,
Chennai – 34.

PAN: AAATK 8286E

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से/Appellant by

: Shri D. Anand, Advocate

प्रत्यर्थी की ओर से/Respondent by

: Shri D. Hema Bhupal, JCIT

सुनवाई की तारीख/Date of Hearing

: 19.02.2024

घोषणा की तारीख/Date of Pronouncement

: 19.02.2024

आदेश /ORDER

PER MAHAVIR SINGH, VICE PRESIDENT:

This appeal by the assessee is arising out of the order of the Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC) in order No.ITBA/NFAC/S/250/2023-24/1057071787(1) dated 16.10.2023. The assessment order was framed by the Income Tax Officer, Exemptions Ward 1, Chennai for the assessment year 2016-17 u/s.143(3) of the Income Tax Act, 1961 (hereinafter the 'Act'), vide order dated 24.12.2018.

2. At the outset, the Id.counsel for the assessee stated that the AO has already rectified and allowed accumulation in view of filing of Form

No.10. The Id.counsel filed copy of rectification order dated 04.12.2020 passed u/s. 154 r.w.s. 143(3) of the Act. The relevant reads as under:-

“The assessee Trust filed return of income on 23-02-2017 for the A.Y 2016-17 along with the Form 10 for accumulation of Rs.1,29,95,574/- filed on 31-03-2018. Since the Form 10 was filed after date of filing of the return of income, the claim for accumulation was not given and a demand of Rs.52,04,752/- was raised during the time of completion of 143(3) on 24-12-2018. The Assessee has filed condonation for Form 10 and the CIT (Exemption) had condoned the delay in filing of Form 10 for accumulation of Rs.1,29,95,574/- on 12-11-2020. Since the Form 10 filed is condoned, the order U/s 143(3) dated 24-12-2018 is revised and order U/s 154 is passed accordingly.”

2.1 The Id.counsel for the assessee stated that as the assessee has already been allowed relief, the appeal filed by the assessee has become practically infructuous and hence, can be dismissed as infructuous. The Id.Senior Departmental Representative has not objected to the same. In term of the above, the appeal is dismissed as infructuous.

3. In the result, the appeal filed by the assessee is dismissed as infructuous.

Order pronounced in the open court at the time of hearing on 19th February, 2024 at Chennai.

Sd/-

(मंजुनाथा. जी)

(MANJUNATHA.G)

लेखा सदस्य/ACCOUNTANT MEMBER

Sd/-

(महावीर सिंह)

(MAHAVIR SINGH)

उपाध्यक्ष /VICE PRESIDENT

चेन्नई/Chennai,

दिनांक/Dated, the 19th February, 2024

RSR

आदेश की प्रतिलिपि अग्रेषित/Copy to:

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|-------------------------|--------------------------|---------------------|
| 1. अपीलार्थी/Appellant | 2. प्रत्यर्थी/Respondent | 3. आयकर आयुक्त /CIT |
| 4. विभागीय प्रतिनिधि/DR | 5. गार्ड फाईल/GF. | |