

IN THE INCOME TAX APPELLATE TRIBUNAL
PUNE "SMC" BENCH : PUNE [VIRTUAL HEARING]

BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER

I.T.A.No.829 & 808/PUN./2023 [E-APPEALS]
Assessment Years 2010-2011 & 2011-2012

The Income Tax Officer, Ward – 2 (1), 2 nd Floor, Sai Shoban Building, Near Kendriya Rajaswa Bhavan, Gadkari Chowk, Nashik. Maharashtra. PIN 422 002.	vs.	Praj Electrical Services, K-26, MIDC Area, Ambad, Nashik – 422 010. Maharashtra. PAN AAFFP5235R
(Appellant)		(Respondent)

For Revenue :	Shri Basavaraj Hiremath
For Assessee :	-None-

Date of Hearing :	05.03.2024
Date of Pronouncement :	05.03.2024

ORDER

PER SATBEER SINGH GODARA, J.M. :

These Revenue's twin appeals I.T.A.Nos.829 & 808/PUN./2023, arise against the National Faceless Appeal Centre [in short the "NFAC"] Delhi's as many Din and Order Nos.ITBA/NFAC/S/250/2023-24/1053055707(1) and 1053057767(1), both dated 22.05.2023, for assessment years 2010-2011 & 2011-2012, respectively, involving proceedings u/s.143(3) of the Income Tax Act, 1961 (in short "the Act").

Cases called twice. None appears at assessee's behest. It is accordingly proceeded ex-parte.

2. It is noticed at the outset with the able assistance coming from the Revenue side that it's instant twin appeals involve tax effect(s) of Rs.2,79,785/- and Rs.2,66522/-, respectively. Shri Basavaraj vehemently argued that the same is indeed covered as an

exception going by CBDT tax effect circular 3/2018, dated 11.07.2018 in clause-(10)(e) thereof wherein it has been duly provided that an information received from internal source(s) would not be decided. I find that the instant issue of Revenue's endeavour treating information received from Maharashtra State Sales Tax Department is no more *res integra* in light of this tribunal's order in miscellaneous application no.60/PUN/2019 dt.14.01.2020 having rejected the very pleadings as under :

"2. We have heard the rival submissions and scanned through the relevant material on record. Having found that the tax effect in the instant appeal referred to by the Revenue is less than the monetary limits of Rs.50.00 lakh, the Tribunal dismissed the appeal of Revenue by virtue of CBDT Circular No.17/2019 dated 08-08-2019 revising upward the monetary limit to Rs.50.00 lakh for filing of appeals by the Department in Income-tax Cases before various appellate forums.

3. As regards the contention of the ld. DR that the appeal should not have been dismissed because the additions in the above case was made on the basis of information received from the Sales Tax Department, Govt. of Maharashtra about the assessee indulging in hawala transactions and hence covered in the exception clause of the Circular as referred to above, we find that such a contention has not been countenanced by the Pune Benches of the Tribunal in several cases including ITO vs. M/s Param Marketing (ITA No.1872/PUN/2019 dt.30-01-2020) and ITO vs. Yusuf Gulmmohammed Patel (ITA No.1852/PUN/ 2019 dt.30-01-2020). Not

only that, even the Miscellaneous application filed u/s 254(2) on this issue has also been dismissed in DCIT vs. M/s Rang Rasayan (M.A.No.60/PUN/2019 dt. 14-01-2020). No contrary view has been brought to our notice on behalf of the Revenue. Respectfully following the above precedent, we are not inclined to accept the Miscellaneous application filed by the Revenue.”

3. I adopt the above detailed reasoning *mutatis mutandis* to reject the Revenue’s instant twin appeals in very terms. Ordered accordingly.

4. The impugned delay of 1999 days and 1997 days, for assessment years 2010-2011 and 2011-2012, respectively, stands condoned in light of Collector, Land Acquisition vs., MST Katiji [1987] 167 ITR 471 (SC) having settled the law long back that all such technical aspects must make a way for the cause of substantial justice.

5. These Revenue’s twin appeals ITA.Nos.829 & 808/ PUN./ 2023 are dismissed in above terms. A copy of this common order be placed in the respective case files.

Order pronounced in the open Court on 05.03.2024.

Sd/-
[SATBEER SINGH GODARA]
JUDICIAL MEMBER

Pune, Dated 05th March, 2024

VBP/-

Copy to

1.	The appellant
2.	The respondent
3.	The Pr. CIT, Pune concerned
4.	D.R. ITAT, "SMC" Bench, Pune.
5.	Guard File.

//By Order//

//True Copy //

Sr. Private Secretary, ITAT, Pune Benches,
Pune.