

आयकर अपीलीयअधिकरण, विशाखापटणम पीठ, विशाखापटणम

IN THE INCOME TAX APPELLATE TRIBUNAL,
VISA KHAPATNAM BENCH, VISA KHAPATNAM

श्री दुव्वूरु आर एल रेड्डी, न्यायिक सदस्य एवं श्री एस बालाकृष्णन, लेखा सदस्य के समक्ष

BEFORE SHRI DUVVURU RL REDDY, HON'BLE JUDICIAL MEMBER
&
SHRI S BALAKRISHNAN, HON'BLE ACCOUNTANT MEMBER

आयकर अपील सं./ I.T.A. No.42/Viz/2024

(निर्धारण वर्ष / Assessment Year : 2014-15)

Tutta Annapurneswari,
Narsipatnam Mandal,
Anakapalli District.
PAN: ASBPT 6963 E

(अपीलार्थी/ Appellant)

अपीलार्थी की ओर से/ Assessee by

प्रत्यार्थी की ओर से / Revenue by

सुनवाई की तारीख / Date of Hearing

घोषणा की तारीख/Date of

Pronouncement

Vs. The Income Tax Officer,
Ward-1,
Anakapalle.

(प्रत्यर्थी/ Respondent)

Sri GVN Hari, AR

Dr. Aparna Villuri, Sr. AR

21/03/2024

26/03/2024

ORDER

PER S. BALAKRISHNAN, Accountant Member :

This appeal filed by the assessee is against the order of the Ld. Commissioner of Income Tax (Appeals), National Faceless Appeal Centre, Delhi [Ld. CIT(A), NFAC] in DIN & Order No. ITBA/NFAC/S/250/2023-24/1059162846(1), dated 28/12/2023 arising out of the order passed U/s. 147 of the Income Tax Act, 1961 [the Act] for the AY 2014-15.

2. Briefly stated the facts of the case are that the assessee is a salaried person filed her return of income based on the Form-16 issued by the employer. However, the Ld. AO based on Form-26AS noticed that the assessee has not filed her return of income U/s. 139(1) of the Act and thereafter issued a notice U/s. 148 of the Act. In response to the notice, the assessee has not filed any return of income. Thereafter, the case was transferred to Faceless Assessment Scheme-2019 and notice U/s. 142(1) of the Act along with the annexure was issued and served on the assessee. In response, the assessee submitted a copy of the return filed on 19/2/2022 declaring total income of Rs.3,16,866/-. On perusal of the record, the Ld. AO noticed that the assessee has received a salary income of Rs. 52,82,124/- as per Form-26AS furnished by the assessee whereas the assessee has declared an income of Rs. 3,16,866/-from Government Community Hospital. The Ld. AO therefore opined that the assessee has suppressed or understated her income to the extent of Rs. 49,65,258/- and added to the total income of the assessee. Aggrieved by the order of the Ld. AO, the assessee filed an appeal before the Ld. CIT(A)-NFAC. The Ld. CIT(A)-NFAC, after considering the submissions made by the assessee, dismissed the appeal. Aggrieved by the order of the Ld. CIT(A)-NFAC, the assessee is in appeal before the Tribunal by raising the following grounds of appeal:

- “1. *The order of the Ld. CIT(A) is contrary to the facts and also the law applicable to the facts of the case.*

2. *The Ld. CIT(A) is not justified in dismissing the appeal in limine by invoking the provisions of section 249(4) of the Act.*
3. *Without prejudice to the above, the Ld. CIT(A) ought to have directed the Assessing Officer to delete the addition of Rs. 49,65,258/- made towards underreporting of salary income.*
4. *Any other grounds may be urged at the time of hearing.”*

3. The only issue emanating from the grounds raised by the assessee is addition of Rs. 49,65,258/- treating it as suppressed salary income by the assessee. At the outset, the Ld. AR submitted that the Government Community Hospital while filing the TDS returns has included the entire salary paid to the assessee's account. Later on, the TDS return was revised by the employer and a revised Form-16 along with Form-26AS was issued to the assessee. Therefore, the Ld. AR pleaded that there is no suppression of income by the assessee and hence the addition deserves to be deleted.

Per contra, the Ld. DR relied on the orders of the Ld. Revenue Authorities and argued in support of the decision taken by them.

4. We have heard both the sides and perused the material available on record as well as the orders of the Ld. Revenue Authorities. Admittedly, the assessee has received a gross salary of Rs. 4,40,177/- and has filed a return of income, after availing various deductions, declaring the total income at Rs. 3,16,870/-. It is also undisputed that the employer has wrongly included the entire salary paid by them in the hands of the assessee while filing their TDS returns. The assessee has

filed the Form-16 issued by the employer in the paper book page No.2. We also find that the TDS amount of Rs. 10,375/- has been deducted from the salary paid to the assessee which is also reflected in the Form-26AS. We therefore remit the file back to Ld. CIT(A)-NFAC and hereby direct the Ld. CIT(A)-NFAC to examine the above facts and decide the case in accordance with law after providing a reasonable opportunity of being heard to the assessee.

5. In the result, appeal of the assessee is allowed for statistical purposes as indicated herein above.

Pronounced in the open Court on 26th March, 2024.

Sd/-

(दुव्वूरु आर.एल रेड्डी)
(DUVVURU RL REDDY)
न्यायिकसदस्य/JUDICIAL MEMBER

Sd/-

(एस बालाकृष्णन)
(S.BALAKRISHNAN)
लेखा सदस्य/ACCOUNTANT MEMBER

Dated :26.03.2024

OKK - SPS

आदेश की प्रतिलिपि अग्रेषित/Copy of the order forwarded to:-

1. निर्धारिती/ The Assessee – Tutta Annapurneswari, D.No. 12-152, Sivapuram 3rd Line, Narsipatnam Mandal, Anakapalle District, Andhra Pradesh – 531116.
2. राजस्व/The Revenue – Income Tax Officer, Ward-1, O/o. ITO, Aanayakar Bhavan, Gandhi Nagar, Anakapalle, Andhra Pradesh-531001.
3. The Principal Commissioner of Income Tax,
4. आयकर आयुक्त (अपील)/ The Commissioner of Income Tax

5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, विशाखापटणम/ DR, ITAT, Visakhapatnam
6. गार्ड फ़ाईल / Guard file

आदेशानुसार / BY ORDER

Sr. Private Secretary
ITAT, Visakhapatnam