

**IN THE INCOME TAX APPELLATE TRIBUNAL  
"A" BENCH : BANGALORE**

**BEFORE SHRI GEORGE GEORGE K, VICE PRESIDENT  
SHRI LAXMI PRASAD SAHU, ACCOUNTANT MEMBER**

ITA No.214/Bang/2024
Assessment Year : 2014-15

Bosch Limited, Post Box 3000, Hosur Road, Adugodi, Bangalore.  <b>PAN - AAACM 9840 P</b>	Vs.	The Dy. Commissioner of Income Tax, Circle-1(1)(1), Bangalore.
APPELLANT		RESPONDENT

Assessee by	:	Shri S Anand, CA
Revenue by	:	Shri D.K Mishra, CIT (DR)

Date of hearing	:	21.03.2024
Date of Pronouncement	:	28.03.2024

**ORDER**

**PER SHRI LAXMI PRASAD SAHU, ACCOUNTANT MEMBER**

This is an appeal filed by the assessee against the order passed by the NFAC, New Delhi on 11/12/2023 u/s 250 of the Income-tax Act, 1961 (Act) in DIN No. ITBA/NFAC/S/250/2023-24/1058641136(1) for the assessment year 2014-15 with the following grounds of appeal:-

*“1. That the order of the Commissioner of Income-tax (Appeals)-National Faceless Appeal Centre (NFAC), Delhi in upholding the assessment order to the extent questioned herein is bad in law and is liable to be set aside.*

*2. DEDUCTION UNDER SECTION 32AC OF THE INCOME-TAX ACT, 1961 ("the Act")*

*2.1. That the CIT(A) erred in upholding the action of the Assessing Officer in not allowing deduction under Section 32AC of the Act.*

*2.2. That the CIT(A) grossly erred in ignoring and disregarding the binding decision of the Hon'ble Tribunal in Appellant's own case order dated IT(TP)A No.475/Bang/2020 dated 29.07.2022 wherein the Hon'ble ITAT has quashed the order of the CIT u/s 263 dt. 03.02.2020 by holding that "CIT is not justified in setting aside the order of the AO. Accordingly, the directions of the PCIT are quashed".*

*2.3. That the CIT(A) erred in disregarding the written submissions of the Appellant dt. 07.03.2023 along with annexures furnished vide acknowledgement no. 976459191070323 while passing order u/s 250 of the Income-tax Act.*

*2.4. That the CIT(A) erred in not appreciating that pursuant to the order of Hon'ble ITAT dated 29.07.2022, the AO's Order Giving Effect to sec 263 dt. 13.04.2020 is rendered void and ought to have held so.*

*Each of the foregoing grounds is without prejudice to the other and the Appellant craves leave to add to, amend or delete all or any of the above grounds of appeal either before or at the time of hearing.”*

2. The brief facts of the case are that the assessment order u/s 143(3) r.ws. 144C of the Act had been passed by JCIT (OSD), LTU, Circle-1, Bengaluru on 14.02.2018,

assessing the total income at Rs. 1237,63,56,431/-. The CIT(LTU) called the assessment record passed u/s 143(3) r.w.s 144C dated 14/02/2018 and on perusal of assessment records, it was observed that the order passed u/s 143(3) r.w.s. 144C of the Act by AO is erroneous in so far as it was prejudicial to the interest of the Revenue. Therefore, the assessment order passed u/s 143(3) read with section 144C was revised by the Ld. Commissioner of Income Tax, LTU, Bengaluru vide his order dated 03.02.2020 in ITBA/REV/M/REV5/2019-20/1024592559(1) and directed to the AO for re-computation of the deduction claimed by the assessee, accordingly the AO passed consequential order assessing the income of Rs. 12,63,57,14,205/- on account disallowance u/s 32AC of the Act amounting to Rs. 25,88,07,774/- Accordingly, a sum of Rs. 25,88,07,774/- was added back to the income of the appellant.

3. Aggrieved from the above order, the assessee filed appeal before the CIT(A). The CIT(A) after considering the submissions of the assessee, dismissed the appeal of the assessee vide his order dated 11/12/2023.

5. Aggrieved from the above order, the assessee is in appeal before the ITAT.

6. The ld.AR submitted that the assessee had filed appeal against the order u/s 263 of the Act passed by the CIT(LTU) vide his order dated 03/02/2020, which was challenged before the Hon'ble ITAT in ITA No.475/Bang/2020. The Hon'ble ITAT quashed the order and allowed the appeal vide order dated 29/07/2022 in IT(TP)A No. 475/Bang/2020. However, when the order passed the by the Hon'ble ITAT was brought into the notice of the CIT(A) vide its application dated 07/03/2023, these facts was not considered by the CIT(A). He also submitted that rectification of the order has been filed by the assessee against the order passed by the CIT(A) vide his order dated 19/12/2023 but till date, there is no order received from the CIT(A). He submitted that once the revision order u/s. 263 passed by the CIT(LTU) has been quashed by the ITAT, subsequent proceedings carried out by the revenue authorities is non est and not sustainable.

7. The ld.DR relied on the orders of the lower authorities.

8. After considering the rival submissions and facts narrated above, we note that the jurisdiction u/s 263 of the Act has been quashed by the co-ordinate Bench of the Tribunal in Tribunal order in ITA No.475/Bang/2020 vide order dated 29/07/2022. Therefore, the subsequent proceedings giving effect to the order u/s. 263 by the AO and the CIT(A) is non est in law and not maintainable. Hence we quash the impugned order of the CIT(Appeals).

9. In the result, appeal of the assessee is allowed.

Order pronounced in court on 28<sup>th</sup> day of March, 2024.

Sd/-  
**(GEORGE GEORGE K)**  
Vice President

Sd/-  
**(LAXMI PRASAD SAHU)**  
Accountant Member

Bangalore,  
Dated : 28.03.2024.  
Vms  
Copyto:

1. The Applicant
2. The Respondent
3. The CIT
4. The CIT(A)
5. The DR, ITAT, Bangalore.
6. Guard file

By order

Asst. Registrar, ITAT, Bangalore.