

**IN THE INCOME TAX APPELLATE TRIBUNAL  
DELHI BENCH "H": NEW DELHI**

**BEFORE SHRI SAKTIJIT DEY, VICE PRESIDENT  
AND  
SHRI NARENDRA KUMAR BILLAIYA, ACCOUNTANT MEMBER**

**ITA No. 3745/DEL/2023  
Assessment Year: 2017-18.**

Anil Gupta, N-2, Kailash Colony, New Delhi-110048  <b>PAN- AAJPG9055C</b>	<u>Vs</u>	DCIT, Circle-13(1), Delhi.
<b>APPELLANT</b>		<b>RESPONDENT</b>
<b>Assessee represented by</b>	Shri Amit Goel, Adv.; & Shri Pranav Yadav, Adv.	
<b>Department represented by</b>	Shri Amit Katoch, Sr. DR	
<b>Date of hearing</b>	04.04.2024	
<b>Date of pronouncement</b>	04.04.2024	

**ORDER**

**PER SAKTIJIT DEY, V.P.:**

This is an appeal by the assessee against order dated 26.09.2022 passed by the National Faceless Appeal Centre (NFAC), Delhi for the assessment year 2017-18.

2. The dispute in the present appeal is confined to addition of an amount of Rs. 67,91,763/-, being the dividend earned by the assessee.

2.1 Briefly, the facts are that the assessee is a resident individual. For the assessment year under dispute, the assessee filed his return of income declaring

income of Rs. 7,75,14,470/-. However, while processing the return of income the Centralized Processing Centre determined the total income at Rs. 8,43,06,230/- after making an addition of Rs. 67,91,763/-. Contesting the addition made by the Centralized Processing Centre, the assessee preferred an appeal before learned First Appellate Authority. However, First Appellate Authority sustained the addition by dismissing the appeal.

3. We have considered rival submissions and perused materials on record. It is the case of the assessee before us that during the year under consideration the assessee earned dividend income of Rs. 77,91,763/-. After claiming deduction of Rs. 10,00,000/- in terms of Section 115BBDA of the Act, the assessee offered the balance dividend income of Rs. 67,91,763/- to tax as income from other sources along with an amount of Rs. 3,66,928/- on account of interest and other income. It is the case of the assessee that while processing the return of income the Centralized Processing Centre ignoring the fact that the dividend income of Rs. 67,91,763/- has already been offered to tax has again added the very same amount, resulting in double addition of the same income. It is observed, before the First Appellate Authority as well, the assessee has canvassed identical arguments. However, without properly verifying assessee's claim the First Appellate Authority has sustained the addition. Before us, learned counsel for the assessee drew our attention to the copy of return of income filed and computation of income to emphasize that the dividend income of Rs. 67,91,763/- has already been offered to tax. Assessee's claim, prima facie, appears to be correct. However, for the limited purpose of factually verifying assessee's claim, we restore the issue to the Assessing Officer to verify relevant documents and in case it is found that the dividend income of Rs. 67,91,763/- has already been offered to tax by the assessee, the addition should be deleted. Grounds are allowed for statistical purposes.

4. Resultantly, appeal is allowed for statistical purposes.

Order pronounced in open court on 04.04.2024.

**Sd/-**  
**(NARENDRA KUMAR BILLAIYA)**  
**ACCOUNTANT MEMBER**

**Sd/-**  
**(SAKTIJIT DEY)**  
**VICE PRESIDENT**

**\*MP\***

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

**ASSISTANT REGISTRAR**  
**ITAT, NEW DELHI**