

आयकर अपीलीय अधिकरण “ए” न्यायपीठ चेन्नई में।
IN THE INCOME TAX APPELLATE TRIBUNAL
“A” BENCH, CHENNAI

माननीय श्री महावीर सिंह, उपाध्यक्ष एवं
माननीय श्री मनोज कुमार अग्रवाल, लेखक सदस्य के समक्ष।
BEFORE HON'BLE SHRI MAHAVIR SINGH, VP AND
HON'BLE SHRI MANOJ KUMAR AGGARWAL, AM

आयकर अपील सं. ITA No.1288/Chny/2023
(निर्धारण वर्ष / Assessment Year: 2013-14)

The Federation of Motor Sports Clubs of India C/o Shri T.N.Seetharaman, Advocate, #384 (Old No.196) Lloyds Road, Chennai-600 086.	बनाम / Vs.	ITO (Exemptions) Ward-4, Chennai.
स्थायी लेखासं./जीआइआरसं./PAN/GIR No. AACT-7983-Q		
(पीलार्थी/ Appellant)	:	(प्रत्यर्थी/ Respondent)

अपीलार्थीकी ओरसे/ Appellant by	:	Shri R.K.V.Sundar (Advocate) -Ld. AR
प्रत्यर्थीकी ओरसे/ Respondent by	:	Shri AR V Sreenivasan (Addl.CIT)-Ld. Sr. DR

सुनवाईकी तारीख/ Date of Hearing	:	08-04-2024
घोषणाकी तारीख/ Date of Pronouncement	:	08-04-2024

आदेश / ORDER

Manoj Kumar Aggarwal (Accountant Member)

1. Aforesaid appeal by assessee for Assessment Year (AY) 2013-14 arises out of the order of learned Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi [CIT(A)] dated 18-09-2023 in the matter of an assessment framed by Ld. Assessing Officer [AO] u/s. 143(3) of the Act on 28-03-2016. The sole grievance of the assessee is confirmation of addition of Rs.35 Lacs. Having heard rival submissions, the appeal is disposed-off as under.

2. From the case records, it emerges that the assessee is registered u/s 25 of the Companies Act. In AY 2012-13, the assessee made provision towards prize giving ceremony and the same being mere provision, was disallowed in that year. In this year, the assessee claimed to have spent an amount of Rs.26.39 Lacs and offered the remaining Rs.8.60 Lacs as income being the unutilized amount. The assessee claimed that the amount of Rs.26.39 Lacs should be allowed as expenditure in this year and balance Rs.8.60 Lacs should be reduced from income. However, considering the fact that the assessee's appeal for AY 2012-13 was pending before first appellate authority, the plea of the assessee was not accepted by Ld. AO. The Ld. CIT(A) confirmed the same.

3. The Ld. AR placed on record first appellate order for AY 2012-13 dated 31-08-2023 wherein the disallowance of provision of Rs.35 Lacs has been confirmed. The Ld. AR submitted that the assessee has accepted the same and has not appealed against the same. Considering the same, we direct Ld. AO to verify the claim of the assessee. If this disallowance has reached finality in AY 2012-13, the expenditure incurred in this year would be allowable and the additional income of Rs.8.60 Lacs as offered by the assessee would be reduced from its income. We order so.

4. The appeal stand allowed for statistical purposes.

Order pronounced in open court on 08th April, 2024.

Sd/-
(MAHAVIR SINGH)
उपाध्यक्ष / **VICE PRESIDENT**

Sd/-
(MANOJ KUMAR AGGARWAL)
लेखा सदस्य / **ACCOUNTANT MEMBER**

चेन्नई Chennai; दिनांक Dated : 08-04-2024
DS

आदेशकीप्रतिलिपिअग्रेषित/Copy of the Order forwarded to :

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकरआयुक्त/CIT
4. विभागीयप्रतिनिधि/DR
5. गार्डफाईल/GF