

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

मजनीय श्री मनोज कुमार अग्रवाल, लेखक सदस्य एवं
मजनीय श्री मनु कुमार गिरि, न्यायिक सदस्य के समक्ष।
BEFORE HON'BLE SHRI MANOJ KUMAR AGGARWAL, AM
AND HON'BLE SHRI MANU KUMAR GIRI, JM

आयकर अपील सं. ITA No.281/Chny/2024
(निर्धारणवर्ष / Assessment Year: 2013-14)

M/s Digital illusion (India) P. Ltd. C/o M/s Pass Associates Unit no.208, 2 nd Floor, Beta Wing Raheja Towers, No.113-134 Anna Salai, Chennai – 600 002.	बनम / Vs.	ITO Corporate Ward 1(4) Chennai – 600 034
स्थायी लेखासं./जी आइ आरसं./PAN/GIR No. AABCD-2074-R		
(अपीलार्थी/ Appellant)	:	(प्रत्यर्थी / Respondent)

अपीलार्थी की ओरसे/ Appellant by	:	Shri D. Anand (Advocate) – Ld. AR
प्रत्यर्थी की ओरसे/ Respondent by	:	Shri ARV Srinivasan (Addl. CIT) – Ld. Sr. DR

सुनवाई की तारीख/ Date of Hearing	:	29-04-2024
घोषणा की तारीख / Date of Pronouncement	:	01-05-2024

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 30-11-2023 in the matter of an assessment framed by Ld. Assessing Officer [AO] u/s. 143(3) r.w.s. 147 of the Act on 29-11-2019. In the assessment order, Ld. AO made addition of Rs.24.68

Lacs which represent provision of interest payable. During appellate proceedings, the assessee submitted that interest payable was paid on 12.07.2013 which was evident from bank statements and books of accounts. The Ld. CIT(A) did not allow the same on the ground that there was no nexus between the impugned disallowance and transaction reflected in the bank statement. Aggrieved, the assessee is in further appeal before us.

2. The Ld. AR submitted that disallowance as made u/s 43B was not sustainable since the interest was paid before due date of return of income u/s 139(1). The Ld. Sr. DR concurred that the same could be verified by Ld. AO.

3. Considering the rival submissions, we direct Ld. AO to verify that the impugned interest was paid by the assessee before due date of return of income u/s 139(1) and if so, delete the impugned disallowance.

4. The appeal stand allowed for statistical purposes.

Order pronounced on 1st May, 2024

Sd/-
(MANU KUMAR GIRI)
न्यायिक सदस्य / **JUDICIAL MEMBER**

Sd/-
(MANOJ KUMAR AGGARWAL)
लेखासदस्य / **ACCOUNTANT MEMBER**

चेन्नई Chennai; दिनांक Dated : 01-05-2024
DS

आदेशकीप्रतिलिपिअग्रेषित/Copy of the Order forwarded to :

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