

**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.291/Chny/2024**  
**(निर्धारणवर्ष / Assessment Year: 2021-22)**

<b>M/s Star Health and Allied Insurance Company Limited</b> 1-A, Star Tower, Nungambakkam S.O Chennai-600 034.	<b>बनम/</b> Vs.	<b>DCIT</b> Corporate Circle-3(1), Chennai.
स्थायी लेखासं./जीआइआरसं./PAN/GIR No. <b>AAJCS-4517-L</b>		
(पीलार्थी/ <b>Appellant</b> )	:	(प्रत्यर्थी / <b>Respondent</b> )

अपीलार्थी की ओरसे/ <b>Appellant by</b>	:	Shri G. Baskar (Advocate)-Ld.AR
प्रत्यर्थी की ओरसे/ <b>Respondent by</b>	:	Shri AR V Sreenivasan (Addl.CIT)-Ld. Sr. DR

सुनवाई की तारीख/ <b>Date of Hearing</b>	:	15-05-2024
घोषणा की तारीख / <b>Date of Pronouncement</b>	:	15-05-2024

**आदेश / ORDER**

**Manoj Kumar Aggarwal (Accountant Member)**

1. Aforesaid appeal by assessee for Assessment Year (AY) 2021-22 arises out of the order of learned Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi [CIT(A)] dated 04-01-2024 in the matter of an intimation issued by CPC u/s 143(1) of the Act on 26-07-2022. The grounds raised by the assessee read as under:

1. The Order of the CIT(A) is wrong, untenable in law, opposed to facts and is liable to be set aside.

2. The CIT(A) erred in upholding the disallowance of Rs.3,10,11,273/- viz., payment of Employees Contribution to Provident fund and State Insurance fund.

2.2 The CIT(A) failed to consider the fact that the proceedings u/s.143(1)(a) permits only prima-facie adjustments and a debatable issue falls outside the ambit of adjustment contemplated u/s.143(1).

3.1 The CIT(A) erred in upholding the action of the CPC in denying benefit of Section 115BAA of the Income-Tax Act.

3.2 The CIT(A) failed to note that the due date for filing the Form -10IC had been extended by the CBDT to 31.01.2024 vide notification under circular No. 19 of 2023.

3.3 The CIT(A) having found that appellant had filed the Form-101C on 30.10.2023 itself within the due date fixed by the above notification, he should not have held against the appellant.

The Ld. AR has submitted that the assessee is not pressing grounds relating to disallowance of Employees' Contribution to PF/ESI. The only ground urged in the appeal is qua the observation of Ld. CIT(A) that the Form-10IC was filed beyond due date and therefore, CPC correctly levied taxes at higher rates.

2. It emerges that the assessee opted for concessional scheme of Taxation u/s 115BAA by filing Form 10-IC. However, CPC, while processing the return of income, computed tax @30% against rate of 22% as claimed by the assessee. It was noted by Ld. CIT(A) that the return of income was filed by the assessee on 04-03-2022 whereas the extended due date for filing of return of income was 15-03-2022. Form 10-IC was filed by the assessee on 30-10-2023. Since Form 10-IC was filed beyond due date, CIT(A) upheld levy of higher taxes by CPC.

3. The Ld. AR has placed on record CBDT Circular No.19/2023 (F.No.173/32/2022-ITA-I), wherein in exercise of powers conferred u/s 119(2)(b), CBDT has directed as under: -

**CIRCULAR NO. 19/2023 [F. NO. 173/32/2022-ITA-I], DATED 23-10-2023**

In exercise of the powers conferred under section 119(2)(b) of the Income-tax Act, 1961 ('the Act'), the Central Board of Direct Taxes ('CBDT') by Circular No. 6/2022 of even number, dated 17-3-2022 condoned the delay in filing of Form No. 10-IC as per Rule 21AE of the Income-tax Rules, 1962 ('the Rules') for the previous year relevant to A.Y. 2020-21 in cases where the conditions stipulated in the said Circular are satisfied.

2. Representations have been received by CBDT stating that Form No. 10-IC could not be filed for A.Y. 2021-22 within the due date or extended due date, as the case may be. It has been requested that the delay in filing of Form No. 10-IC for A.Y. 2021-22 may be condoned.

3. On consideration of the matter, with a view to avoid genuine hardship to the domestic companies in exercising the option u/s 115BAA of the Act, CBDT in exercise of the powers conferred under section 119(2)(b) of the Act, hereby directs that: —

The delay in filing of Form No. 10-IC as per Rule 21AE of the Rules for previous year relevant to AY. 2021-22 is condoned in cases where the following conditions are satisfied:

- (i) The return of income for relevant assessment year has been filed on or before the due date specified under section 139(1) of the Act;
- (ii) The assessee company has opted for taxation u/s 115BAA of the Act in item (e) of "Filing Status" in "Part A-GEN" of the Form of Return of Income ITR-6; and
- (iii) Form No. 10-IC is filed electronically on or before 31-1-2024 or 3 months from the end of the month in which this Circular is issued, whichever is later.

4. It is clear from the impugned order that the assessee has filed return of income within extended due date and it has also filed Form 10-IC though belatedly. The assessee is thus eligible to take benefit of above circular. The Ld. AR has submitted that return of income has already been reprocessed and benefit of concessional scheme of Taxation u/s 115BAA as claimed by the assessee, has already been granted by CPC. Therefore, we vacate the observations of Ld. CIT(A) that the assessee is not eligible for the aforesaid concession. The ground stand allowed.

5. The appeal stand partly allowed.

*Order pronounced on 15<sup>th</sup> May, 2024.*

**Sd/-**

**(MANU KUMAR GIRI)**

**न्यायिक सदस्य / JUDICIAL MEMBER**

चेन्नई Chennai; दिनांक Dated : 15-05-2024

DS

**Sd/-**

**(MANOJ KUMAR AGGARWAL)**

**लेखा सदस्य / ACCOUNTANT MEMBER**

**आदेशकीप्रतिलिपिअग्रेषित/Copy of the Order forwarded to :**

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