

IN THE INCOME TAX APPELLATE TRIBUNAL KOLKATA BENCH 'SMC', KOLKATA

[Before Shri Sonjoy Sarma, Judicial Member &
Shri Rakesh Mishra, Accountant Member]

I.T.A. No. 325/Kol/2024
Assessment Year : 2020-21

Anjani Highrise LLP, Kolkata PAN: ABHFA 6669 D Appellant	vs	Income Tax Officer, Kolkata Respondent
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Date of Hearing	14.05.2024
Date of Pronouncement	15.05.2024
For the Assessee	Shri Rip Das, CA
For the Revenue	Shri Susanta Saha, Sr. DR

ORDER

Per Sonjoy Sarma, JM:

This appeal of the assessee for the assessment year 2020-21 is directed against the order dated 16.01.2024 passed by the Id. Commissioner of Income-tax, Appeals, NFAC, Delhi [hereinafter referred to as 'the 'Id. CIT(A)'].

2. Brief facts of the case are that assessee filed its return of income on 02.12.2020 declaring taxable income of Rs. 11,58,694/- (rounded off to Rs. 11,58,690/-). The return of income filed by the assessee was processed by the Central Processing Centre (CPC) u/s 143(1) of the Act on 25.11.2021 wherein the taxable income was computed at Rs. 16,75,270/- by enhancing an amount of Rs. 5,16,580/- in the hands of assessee. The assessee after analyzing the assessment order passed u/s 143(1), it was revealed that in annexure from business & profession the figure of exempt income as claimed by assessee of Rs. 10,00,000/- though CPC accepted in Serial No. 5(c) at Rs. 10,00,000/- but in Serial No. 5(d) the same was allowed for Rs. 4,83,420/- instead of 10,00,000/- resulting in a difference of Rs. 5,16,580/-. The claim of exempted income in the form of dividend received amounting to Rs.

10,00,000/- was allowed only to the extent of Rs. 4,83,420/- without any reasons by the assessing authority. The assessee after identifying this apparent mistake from records filed a rectification petition u/s 154 of the Act before the competent authority. However, taxable income of the assessee was unchanged which was computed at Rs. 16,75,270/- in place of correct figure of Rs. 11,58,690/- as claimed by the assessee.

3. Aggrieved by the rectification order dated 26.11.2021, assessee went into appeal before the ld. CIT(A) where the appeal of the assessee was dismissed.

4. Dissatisfied with the above order, assessee is in appeal before this Tribunal. At the time of hearing, ld. AR stated that the order passed by CPC in Serial No. 5(c) of the annexure of business and profession which has been admitted as allowable deduction for Rs. 10,00,000/-. However, in the said order Serial No. 5(d) of annexure was inserted as Rs. 4,83,420/- while passing order u/s 143(1) as well as rectification order u/s 154 of the Act. The ld. AR in order to substantiate his claim furnished a copy of order passed u/s 143(1) of the Act at page no. 59 by showing on the annexure business and profession at Serial No. 5(c), the figure was computed at Rs. 10,00,000/- whereas in Sl. No. 5(d) the same was typed as Rs. 4,83,420/- in place of Rs. 10,00,000/-. Therefore, he prayed before the bench stating that the claim of the assessee may be allowed by the Tribunal to the extent of Rs. 10,00,000/- as claimed by the assessee.

5. On the other hand, ld. DR supported the order passed by the authorities below.

6. We after hearing the rival submissions of the parties and perused the material available on record find that while passing the order u/s 143(1) as well as ld. CIT(A) did not look into the matter properly by disallowing exempt income to the tune of Rs. 5,16,580/- in the hands of assessee which is clearly indicated from the order passed u/s 143(1) of the Act. We, therefore, accept the claim of assessee and direct the AO to delete the impugned addition of Rs. 5,16,580/- as in the case of assessee. In terms of the above, the appeal of the assessee is allowed.

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

Order pronounced in the open court on 15.05.2024.

Sd/-

(Rakesh Mishra)
Accountant Member

Sd/-

(Sonjoy Sarma)
Judicial Member

Dated: 15.05.2024

Biswajit, Sr. PS

Copy of the order forwarded to:

1. Appellant- Anjani Highrise LLP, 86A, Topsia Road (South), Flat No. 603-604 Haute Street, Kolkata-700046.
2. Respondent – Income Tax Officer, Kolkata.
3. Ld. CIT
4. Ld. CIT(A)
5. Ld. DR

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By Order

Assistant Registrar
ITAT, Kolkata Benches, Kolkata