

**IN THE INCOME TAX APPELLATE TRIBUNAL  
DELHI BENCH 'A', NEW DELHI**

**Before Sh. Kul Bharat, Judicial Member**

**Dr. B. R. R. Kumar, Accountant Member**

**ITA No. 110/Del/2022 : Asstt. Year : 2018-19**

Agarwalla Teak International Pvt. Ltd., 24KM Stone, Khasra No. 57/23, 65/3, 65/8, Near Mundka Metro Train Depot., Main Rohtak Road, Mundka, New Delhi-110041	Vs.	DCIT, CPC, Bangalore
<b>(APPELLANT)</b>		<b>(RESPONDENT)</b>
<b>PAN No. AAFCA9366F</b>		

**Assessee by : Sh. Gautam Jain, Adv. &  
Sh. Parth Singhal, Adv.  
Revenue by : Sh. Kanav Bali, Sr. DR**

**Date of Hearing: 23.04.2024**

**Date of Pronouncement: 28.06.2024**

**ORDER**

**Per Dr. B. R. R. Kumar, Accountant Member:**

The present appeal has been filed by the assessee against the order of National Faceless Appeal Centre (NFAC), Delhi dated 12.11.2021.

2. Following grounds have been raised by the assessee:

*"1 That the learned Commissioner of Income Tax (Appeals) National Faceless Appeal Centre has erred both in law and on facts in upholding addition of Rs. 1,80,735/- representing profit on sale of depreciable fixed assets as per Companies Act 2013 in an intimation dated 1.10.2019 u/s 143(1) of the Act.*

*2 That the learned Commissioner of Income Tax (Appeals) National Faceless Appeal Centre has further erred both in law and on facts in upholding addition of Rs. 2,54,740/- on account of difference in depreciation computed as per Income Tax Act and Companies Act 2013.*

*2.1 That the learned Commissioner of Income Tax (Appeals) National Faceless Appeal Centre failed to appreciate that adjustment on account of difference in depreciation computed as per Income Tax Act and Companies Act 2013 has already been made by assessee while computing income from business or profession*

*3 That the learned Commissioner of Income Tax (Appeals) National Faceless Appeal Centre has also erred both in law and on facts in upholding disallowance of Rs. 2,26,692/- by invoking provision of section 2(24)(x) read with section 36(1)(va) of the Act.*

*4 That even otherwise the adjustments so made in the intimation u/s 143(1) of the Act are debatable and contentious issues and thus untenable.*

*5 That the learned Commissioner of Income Tax (Appeals) has also failed to appreciate that intimation dated 1.10.2019 was made without jurisdiction; and therefore deserves to be quashed as such."*

**Profit on sale of fixed assets – Rs.1,80,735/-:**

**Difference in depreciation – Rs.2,54,740/-:**

3. The CPC being an automated processing centre could not consider the differences in a correct way. The Id. CIT(A) affirmed the action of the CPC on the grounds that the assessee could not submit "proof" pertaining to inadvertent claim made by the assessee in the schedule-BP of column 5C and serial 25.

4. We have gone through the record and hereby direct the Assessing Officer to rightly compute the profit on sale of fixed assets and allow depreciation "as per the provisions of Income Tax Act" without any regard to the claim of the assessee wrongly made in the return.

**Disallowance u/s 2(24)(x) r.w.s. 36(1)(va) -ESI/PF-  
Rs.2,26,692/-:**

5. Relying on the judgment of Hon'ble Supreme Court in the case of Checkmate Services P. Ltd. vs. Commissioner Of Income Tax-I in CA No. 2833/2016 vide order dated 12.10.2022, this ground pertaining to late payment of ESI/PF is being dismissed.

6. In the result, the appeal of the assessee is allowed for statistical purpose.

Order Pronounced in the Open Court on 28/06/2024.

Sd/-

**(Kul Bharat)**  
**Judicial Member**

**Dated: 28/06/2024**

\*Subodh Kumar, Sr. PS\*

Copy forwarded to:

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

Sd/-

**(Dr. B. R. R. Kumar)**  
**Accountant Member**

**ASSISTANT REGISTRAR**