

**IN THE INCOME TAX APPELLATE TRIBUNAL  
DELHI BENCH 'H',  
World Trade Centre, Nauroji Nagar,  
NEW DELHI**

**Before Dr. B. R. R. Kumar, Accountant Member,  
Sh. Sudhir Kumar, Judicial Member**

**ITA No. 586/Del/2022 : Asstt. Year: 2016-17**

Bimal Arya, D-944, New Friends Colony, New Delhi-110065 (APPELLANT)	Vs	ACIT, Circle-28(1), New Delhi (RESPONDENT)
<b>PAN No. ADFPA1106R</b>		

**Assessee by : Ms. Monalisa Maity, Adv.  
Revenue by : Sh. Amit Katoch, Sr. DR**

**Date of Hearing: 25.07.2024**

**Date of Pronouncement: 29.07.2024**

**ORDER**

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

The present appeal has been filed by the assessee against the order of Id. CIT(A)-10, New Delhi dated 14.06.2019.

2. At the outset, both the parties fairly brought to our notice that addition made u/s 143(3) of the Income Tax Act, 1961 is beyond the scope of the limited scrutiny and covered by the order of the Tribunal. The said order of the Tribunal is as under:

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

**Before Sh. C. M. Garg, Judicial Member  
Dr. B. R. R. Kumar, Accountant Member**

**ITA No. 584/Del/2022 : Asstt. Year: 2016-17**

Sh. Naveen Arya, D-944, New Friends Colony, New Delhi-110065	Vs.	ACIT, Circle-28(1), New Delhi
(APPELLANT)		(RESPONDENT)
<b>PAN No. ADRPA9337J</b>		

**Assessee by : Ms. Nivedita, Adv.**  
**Revenue by : Ms. Smita Singh, Sr. DR**

<b>Date of Hearing: 19.07.2023</b>	<b>Date of Pronouncement: 31.07.2023</b>
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**ORDER**

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

The present appeal has been filed by the assessee against the order of Id. CIT(A)-10, New Delhi dated 14.06.2019.

2. The assessee has raised the following grounds of appeal:

"1. That On the facts and circumstances of the case, the order passed by the Ld. CIT(A) under section 250 of the Act is bad both in the eyes of law and on facts.

2. That On the facts and circumstances of the case, the order passed by the Ld. CIT(A) under section. 250 of the Act is bad both in the eyes of law and on facts as the assessment order was passed on issues not covered under the reasons for selection for Limited Scrutiny and is therefore in contravention of the circular issued by the CBDT.

3. That the Ld. CIT(A) has erred on facts and in law in upholding the order passed by the Ld. AO under Section 143(3) of the Act.

4. That the Ld. CIT(A) has erred on facts and in law in sustaining the disallowance expenses made by the Ld. Assessing Officer to the tune of Rs. 11,44,075/- incurred by the appellant as interest income.

5. That the Ld. CIT(A) has erred on facts and in law in enhancing the income assessed by the Ld. AO under Section 143(3) of the Act, to the tune of Rs.4,25,570/-.

6. On the facts and circumstances of the case, Ld. CIT(A) has erred, both on facts and in law, in sustaining the additions without appreciating the explanations and evidences brought on record by the appellant.

7. That the impugned CIT(A) order is arbitrary, illegal, bad in law and in violation of rudimentary principles of contemporary jurisprudence."

3. Apropos, the relevant facts of the appeal are that the return was selected for limited scrutiny for the following issues:

1. Gross receipts shown in Schedule OS of ITR is less than receipts reported in 26AS u/s 193 and 194A.
2. Large balance in foreign bank account (Schedule FA of ITR)

4. We find that the addition has been made on account of disallowance of expenses which is beyond the purview of limited scrutiny. There was no approval of the Id. PCIT on record or on order to convert the case of limited scrutiny to complete scrutiny as required by the directions of the CBDT and hence, the addition made by the AO is directed to be deleted.

5. In the result, the appeal of the assessee is allowed.  
Order Pronounced in the Open Court on 31/07/2023.

Sd/-

**(C. M. Garg)**  
**Judicial Member**

Sd/-

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

3. In the absence of any change in the factual matrix and the legal proposition, the appeal of the assessee is hereby allowed.

4. In the result, the appeal of the assessee is allowed.  
Order Pronounced in the Open Court on 29/07/2024.

Sd/-

**(Sudhir Kumar)**  
**Judicial Member**

Sd/-

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

**Dated: 29/07/2024**

\*Subodh Kumar, Sr. PS\*

Copy forwarded to:

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

**ASSISTANT REGISTRAR**