

आयकर अपीलीय अधिकरण, हैदराबाद पीठ
IN THE INCOME TAX APPELLATE TRIBUNAL
Hyderabad 'A' Bench, Hyderabad

Before Shri Laliet Kumar, Judicial Member
And
Shri Manjunatha, G. Accountant Member

आ.अपी.सं / **ITA No.543/Hyd/2024**
(निर्धारण वर्ष / Assessment Year: 2020-21)

Gland Celsus Biochemicals Private Limited Hyderabad PAN:AABCE7607B	Vs.	Dy. C. I. T. Circle 2(1) Hyderabad
(Appellant)		(Respondent)
निर्धारित द्वारा / Assessee by:	Shri A.V. Raghuram, Advocate	
राजस्व द्वारा / Revenue by:	Smt.T.H Vijaya Lakshmi, CIT(DR)	
सुनवाई की तारीख / Date of hearing:	07/08/2024	
घोषणा की तारीख / Pronouncement:	07/08/2024	

आदेश/ORDER

Per Laliet Kumar, J.M

This appeal filed by the assessee is directed against the order dated 21/03/2024 of the learned CIT (A)-NFAC Delhi, relating to A.Y.2020-21.

2. The assessee raised the following grounds:

1. On the facts and in the circumstances of the case, the order passed by the Id. CIT(A) is erroneous and unsustainable on facts and in law, apart from being passed in violation of principles of natural justice.
2. The Id. CIT(A) erred in sustaining the disallowance of Rs.4,56,49,742 made under section 14A of the Income Tax Act.
3. The Id. CIT(A) erred in sustaining the in action of the AO in not correcting the mistake of charging the capital gains of Rs.127,88,65,909 twice, in the intimation passed under section 143(1) of the Income Tax Act, 1961, while passing the assessment order.

{Tax Effect: 2,27,38,501/-}

4. For these and other grounds that may be urged, it is prayed that the appeal may be allowed

3. The brief facts of the case are that the assessee company is engaged in the business of providing consultancy services in the pharmaceutical industry, real estate development, hospitality and investments, E-filed its return of income for the A. 2020-21 Y declaring total income of Rs.1,38,13,84,750/-. The return was processed u/s 143(1)(a) of the I.T. Act, 1961 and determined the total income at Rs.2,66,02,50,480/-. The case was thereafter selected for CASS scrutiny. Statutory notices u/s 143(2) and 142(1) of the Act were issued to the assessee calling for various details, documents and explanations relevant to the case. In response, the assessee submitted written submission, but has not filed any details/explanations. The Assessing Officer completed the assessment u/s 143(3) r.w.s. 144B of the I.T. Act, 1961 and assessed the total income of the assessee at Rs.2,70,59,00,222/-.

4. Being aggrieved, the assessee preferred an appeal before the learned CIT (A). Before the learned CIT (A) the assessee did not argue its case properly with substantial evidence. Hence the learned CIT (A) partly allowed the appeal filed by the assessee.

5. Aggrieved by the order of the learned CIT (A), the assessee is in appeal before the Tribunal.

6. The learned Counsel for the assessee submitted that the learned CIT (A) erred in upholding the order of the Assessing Officer in not correcting the mistake of charging the capital gains of Rs.127,88,65,909/- twice. The learned Counsel for the assessee

further submitted that given an opportunity, the assessee would be in a position to substantiate its case before the learned CIT (A) with proper details/documentary evidence.

7. The learned DR, on the other hand, supporting the orders of the authorities below submitted that the assessee failed to submit any details/documentary evidence before the learned CIT (A). Hence the orders of the Assessing Officer and the learned CIT (A) should be upheld.

8. We have heard both the parties, perused the material available on record and gone through the orders of the authorities below. We find that the assessee failed to substantiate its case before the learned CIT (A) without any proper details/documentary evidence. Considering the totality of the facts and circumstances of the case, we deem it proper to restore the issue to the file of the learned CIT (A) with a direction to give one more opportunity to the assessee to substantiate its case by filing the requisite details/evidences. The assessee is also hereby directed to submit all the necessary documents to substantiate his case before the learned CIT (A) on the appointed date and time without seeking any adjournment under any pretext. Since the assessee has failed to comply with the statutory notices issued by the Department, we levy a charge of Rs.5000/- on the assessee and the assessee is hereby directed to deposit a sum of Rs.5000/- with the Telangana State Legal Aid Authorities at the Hon'ble Telangana High Court within a period of one month from the date

of this order and submit necessary payment slip with the Registry. We hold and direct accordingly.

9. In the result, appeal filed by the assessee is allowed for statistical purposes.

Order pronounced in the Open Court at the time of hearing itself, i.e. on 7th August, 2024.

Sd/-

Sd/-

(MANJUNATHA, G) ACCOUNTANT MEMBER	(LALIET KUMAR) JUDICIAL MEMBER
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Hyderabad, dated 7th August, 2024

Vinodan/sps

Copy to:

S.No	Addresses
1	Gland Celsus Biochemicals Private Limited No.301, Green Land Apartments, Ameerpet, Hyderabad
2	Dy.CIT, Circle 2(1) Signature Towers, Opp: Botanical Gardens, Kondapur, Hyderabad 500082
3	Pr. CIT - Hyderabad
4	DR, ITAT Hyderabad Benches
5	Guard File

By Order