

**IN THE INCOME TAX APPELLATE TRIBUNAL  
“C” BENCH, AHMEDABAD**

**BEFORE SMT. ANNAPURNA GUPTA, ACCOUNTANT MEMBER &  
SHRI SIDDHARTHA NAUTIYAL, JUDICIAL MEMBER**

I.T.A. No.887/Ahd/2024  
(Assessment Year: 2021-22)

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| Nirma Credit & Capital Pvt. Ltd.,<br>Nirma House, Nr. Income Tax Circle,<br>Ashram Road, Ahmedabad-380009 | Vs. | Income Tax Officer<br>Ward-3(1)(1),<br>Ahmedabad |
| [PAN No.AAACN5351J]   |     |  |
| (Appellant)   | ..  | (Respondent)                                     |

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| <b>Appellant by :</b> | Shri S. N. Soparkar, Sr. Advocate |
| <b>Respondent by:</b> | Shri Ashok Kumar Suthar, Sr. DR   |

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| <b>Date of Hearing</b>       | 20.08.2024 |
| <b>Date of Pronouncement</b> | 29.08.2024 |

ORDER

**PER SIDDHARTHA NAUTIYAL - JUDICIAL MEMBER:**

This appeal has been filed by the Assessee against the order passed by the Ld. Commissioner of Income Tax (Appeals), (in short “Ld. CIT(A)”), Additional/Joint Commissioner of Income Tax (Appeals)-4, Kolkata vide order dated 20.03.2024 for Assessment Year 2021-22.

2. The Assessee has taken the following grounds of appeal:-

“1. In law and in facts and circumstances of the Appellant’s case, the learned Commissioner of Income-tax (Appeals) has erred in points of law and facts.

2. In law and in facts and circumstances of the Appellant’s case, the learned Commissioner of Income-tax (Appeals) has grossly erred in passing order on 20.03.2024 though adjournment was sought on 18-3-2024.

3. In law and in facts and circumstances of the Appellant’s case, the learned Commissioner of Income-tax (Appeals) has grossly erred in dismissing the claim for granting MAT credit of Rs.17,13,507/- of Asst. Year 2011-12.

4. Your appellant reserves the right to add, alter, amend all or any of the above grounds of appeal as may be advised from time to time.”

3. The brief facts of the case relating to the issue for consideration before us are that the assessee claimed MAT credit of Rs.17,13,507/- but failed to upload requisite Form 29B. Consequently, the Centralized Processing Centre (CPC) did not allow the benefit of unutilized MAT credit.

4. The appellant filed a return of income on March 5, 2022, declaring a total income of ₹2,02,79,520/- and a book profit under Section 115JB of ₹2,35,33,764/-. An intimation under Section 143(1) was issued on November 13, 2022, by CPC determining the same total income and book profit as declared. However, a demand of ₹19,91,420/- was raised by CPC since MAT credit of ₹17,13,507/- from Assessment Year 2016-17 was not allowed.

5. The assessee filed appeal before Ld. CIT(Appeals) on the ground that the AO erred in not granting MAT credit of ₹17,13,507/- for Assessment Year 2011-12. A notice under Section 250 was issued by Ld. CIT(A) on March 1, 2024, asking the assessee to submit Form 29B for all relevant years and to provide explanations and documents relating to the MAT credit and TDS claims. However, the Ld. CIT(A) observed that assessee failed to respond to the notices or submit the required documents as stipulated in the said notices. As a result, the Ld. CIT(A) dismissed the appeal of the assessee on this issue, on the ground that the assessee did not provide any specific submissions or explanations challenging the intimation under Section 143(1) or the demand raised and no submission was filed as to why the demand was incorrect.

6. The assessee is in appeal before us against the aforesaid order passed by Ld. CIT(Appeals). The counsel for the assessee argued before us that the Ld. CIT(Appeals) erred in facts and in law in not granting benefit of MAT credit for earlier years. The counsel for the assessee drew our attention to page 42 of the paper book and submitted that in the return of income, the figure of unutilised MAT credit was clearly reflecting and duly claimed by the assessee. However, Ld. CIT(Appeals) without giving adequate opportunity of hearing on the issue dismissed the appeal of the assessee. It was further submitted before us that if given an opportunity of hearing, the assessee would be able to produce necessary documentation/forms, etc. in support of its claim of MAT credit from earlier years.

7. In response, Ld. DR placed on the observation made by Ld. CIT(Appeals) in the appellate order.

8. We have heard the rival contentions and perused the material on record. The primary contention on the basis of which appeal has been dismissed by Ld. CIT(Appeals) is that the assessee has failed to cause appearance before him during the course of appellate proceedings and has also not filed the necessary details/ documents as called for in support of claim of unutilised MAT credit from earlier years. However, the counsel for the assessee has submitted before us at that, if given an opportunity, it is in a position to file the necessary details as called for by the Ld. CIT(Appeals) in support of its claim of MAT credit.

9. Accordingly, in the interest of justice, the matter is restored to the file of Ld. CIT(Appeals), for carrying out necessary verification and thereby, decide the appeal of the assessee in accordance with law. The assessee is at liberty to file necessary Forms, documents etc. in support of it's claim as well, during the course of set-aside proceedings.

10. In the result, the appeal of the assessee is allowed for statistical purposes.

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| <b>This Order pronounced in Open Court on</b> | <b>29/08/2024</b> |
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**Sd/-**  
**(ANNAPURNA GUPTA)**  
**ACCOUNTANT MEMBER**  
Ahmedabad; Dated 29/08/2024

**Sd/-**  
**(SIDDHARTHA NAUTIYAL)**  
**JUDICIAL MEMBER**

TANMAY, Sr. PS

**TRUE COPY**

**आदेश की प्रतिलिपि अग्रेषित/Copy of the Order forwarded to :**

1. अपीलार्थी / The Appellant
2. प्रत्यर्थी / The Respondent.
3. संबंधित आयकर आयुक्त / Concerned CIT
4. आयकर आयुक्त(अपील) / The CIT(A)-
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, अहमदाबाद / DR, ITAT, Ahmedabad
6. गार्ड फाईल / Guard file.

आदेशानुसार/ BY ORDER,

उप/सहायक पंजीकार (Dy./Asstt.Registrar)  
आयकर अपीलीय अधिकरण, अहमदाबाद / ITAT, Ahmedabad