

**IN THE INCOME TAX APPELLATE TRIBUNAL  
“A” BENCH: BANGALORE**

**BEFORE SHRI LAXMI PRASAD SAHU, ACCOUNTANT MEMBER  
AND  
SHRI SOUNDARARAJAN K., JUDICIAL MEMBER**

ITA No.907/Bang/2024
Assessment Year: 2021-22

DCIT Central Circle-2(3) Bangalore	<b>Vs.</b>	NSL Sugars Limited No.60/1, 2 <sup>nd</sup> Cross Museum Road Bangalore  <b>PAN NO : AAGCS0938Q</b>
<b>APPELLANT</b>		<b>RESPONDENT</b>

CO No.26/Bang/2024 (Arising out of ITA No.907/Bang/2024)
Assessment Year: 2021-22

NSL Sugars Limited No.60/1, 2 <sup>nd</sup> Cross Museum Road Bangalore  <b>PAN NO : AAGCS0938Q</b>	<b>Vs.</b>	DCIT Central Circle-2(3) Bangalore
<b>APPELLANT</b>		<b>RESPONDENT</b>

<b>Assessee by</b>	:	Sri T. Gandhi, A.R.
<b>Resvenue by</b>	:	Sri D.K. Mishra, D.R.

<b>Date of Hearing</b>	:	24.07.2024
<b>Date of Pronouncement</b>	:	29.08.2024

**O R D E R**

**PER BENCH:**

This appeal filed by the revenue and Cross objection by assessee are against order of CIT(A)-15, Bangalore dated 29.2.2024 in respect of the assessment year 2021-22.

**2.** Brief facts of the case are that the assessee filed their return of income declaring a loss and thereafter the CPC Bangalore passed an order u/s 143(1) of the Income Tax Act, 1961 (in short “The Act”) determining the total income at Rs.74,76,43,780/-. The AO had

added the addition of Rs.64,83,16,000/- as deemed income u/s 41 of the Act for the reason that the assessee had not shown the same in the return of income in sub column No.9 of column No14 in page 21. The assessee filed an appeal before the ld. CIT(A) on the ground that the finding of the AO is not correct and in fact the assessee had disclosed the income in page 21 of ITR 6 in column No.14 sub column 9 and therefore, the entire addition made by the AO is unwarranted. The ld. CIT(A) after going through the documents submitted by the assessee had come to the conclusion that the assessee had declared the income in the ITR under the head "other income" in sub column No.9 of column No.14 in page 21. The ld. CIT(A) also verified the copy of ITR and satisfied himself that the statement made by the assessee is correct and deleted the addition made by the AO u/s 41 of the Act. In respect of the other grounds, the ld. CIT(A) allowed some grounds and partly remitted some grounds to the file of AO for fresh consideration. As against the order of ld. CIT(A), deleting the addition made u/s 41 of the Act, the revenue is in appeal before this Tribunal and raised the following grounds:

*"1. Whether on facts and in the circumstances of the case, the ld. CIT(A) was right in allowing the relief of Rs.64,83,16,000/- even though in the return of income amount of Rs.59,97,22,000/- only has been offered?"*

**3.** At the time of hearing, ld. D.R. submitted that even though in the return of income an amount of Rs.59,97,22,000/- has been offered, the ld. CIT(A) had granted relief of Rs.64,83,16,000/- and therefore, contended that the order of ld. CIT(A) is not correct.

**4.** The ld. A.R. at the time of arguments, filed a paper book consisting of cross objections in form No.36A, the waiver of loans income ledger extract, ledger copy of crop loan, non-operating income for the AY 2021-22 and the copy of ITR-6 in support of their contention that the income was duly shown in the return of income and on that basis only, the ld. CIT(A) had granted the relief.

**5.** We heard the arguments of both sides and perused the materials available on record. In the paper book filed by the assessee,

they have given the details about the waiver of loans income ledger for the period from 1.4.2020 to 31.3.2021 and also the ITR 6 and we found that in sl.no.14 (xi), the assessee had shown the incomes obtained by way of waiver of loans under the head other non-operative income and write back of interest as per resolution plan. The assessee also filed the break up details for the other income as per schedule No 24. The assessee had shown the waiver of Oriental Bank of Commerce Agri Loan Aland under OT as income of Rs 4,85,94,132/ in the Non operative income and the Write Back of Interest as per resolution of Rs 59,97,22,000/. If the two incomes are added, it would come about Rs 64,83,16,000/. Therefore, the ld. CIT(A) had rightly deleted the additions made by the AO only after going through the details submitted by the assessee before him and in order to take a different view, the ld. D.R. had not produced any contra evidences to show that the ld. CIT(A) had erred in allowing the said additions. The only contention made by the ld. D.R. is that instead of granting relief of Rs.59,97,22,000/-, the ld. CIT(A) had granted relief for Rs.64,83,16,000/-. Therefore, as seen from the above said ground raised by the ld. D.R., the Revenue had admitted that the addition of Rs.59,97,22,000/- is in order only. But the various documents filed by the assessee before us also indicates that the assessee had shown the said incomes in their various financial statements and included the same in the ITR 6 and therefore, the ld. CIT(A) is correct in deleting the entire addition. In fact, the ld. CIT(A) had extracted the copy of ITR 6 in which the said amounts were shown as incomes and therefore, we do not find any infirmity in the order passed by the ld. CIT(A) and therefore, we dismiss the appeal filed by the revenue.

**6.** Since we have dismissed the appeal of the revenue, the cross objection filed by the assessee becomes infructuous and dismissed accordingly.

**7.** In the result, appeal of the revenue and cross objection filed by the assessee are dismissed.

Order pronounced in the open court on 29<sup>th</sup> Aug, 2024

**Sd/-**  
**(Laxmi Prasad Sahu)**  
**Accountant Member**

**Sd/-**  
**(Soundararajan K.)**  
**Judicial Member**

Bangalore,  
Dated 29<sup>th</sup> Aug, 2024.  
VG/SPS

Copy to:

1. The Applicant
2. The Respondent
3. The CIT
4. The DR, ITAT, Bangalore.
5. Guard file

By order

**Asst. Registrar,**  
**ITAT, Bangalore.**