

**IN THE INCOME TAX APPELLATE TRIBUNAL "A" BENCH, KOLKATA**

**Before**

**Dr. Manish Borad, Accountant Member &  
Shri Sonjoy Sarma, Judicial Member**

**I.T.A. No.843/KOL/2023  
Assessment Year: 2018-19**

***Humara India Credit Co-operative Society Ltd.*** ..... ***Appellant***  
***(PAN: AAAAH8186M)***

***Vs.***

***Assessing Officer,*** ..... ***Respondent***  
***National e-Assessment Centre, Delhi***

**Appearances by:**

*Shri Shri Praveen Kumar Bansal, AR appeared for Appellant.*  
*Shri Nicholash Murmu, Addl. CIT, DR appeared for Respondent.*

Date of concluding the hearing : 22.08.2024

Date of pronouncing the order : 04.09.2024

**ORDER**

**Per Dr. Manish Borad, Accountant Member:**

This appeal filed at the instance of the assessee pertaining to the Assessment Year (in short "AY") 2018-19 is directed against the order passed u/s. 250 of the Income Tax Act, 1961 in short the "Act") by Ld. Commissioner of Income-tax, (Appeals), National Faceless Appeal Centre (NFAC), Delhi [in short Ld. "CIT(A)"] dated 30.12.2022 arising out of the assessment order framed u/s. 143(3) r.w.s. 143(3A) & 143(3B) of the Act by Assessing officer, National e-Assessment Centre, Delhi dated 25.02.2021.

2. This appeal of the assessee is time barred by 166 days and condonation for delay application along with an affidavit has been filed and is placed on record wherein it has been mentioned as under:

*"That in the above mentioned case the appellant had filed an appeal before the CIT(A), NFAC. The CIT(A), NFAC has decided the appeal vide his order dated 30.12.2022 dismissing the appeal filed by the appellant and upholding the order passed by the Assessing Officer.*

*The appeal against the said order of the CIT(A), NFAC should have been filed by the appellant by 28.02.2023, the person who was responsible for looking after the Income Tax matters, became ailed from cancer without handing over the order and other papers of appeal to the appellant society and the order and other papers of appeal could be received only on 01.08.2023, when he joined the duties.*

*Shri M.P. Singh was looking after the taxation affairs of the society and because of his suffering from cancer, he was under treatment in Sanjay Gandhi Post Graduate Institute of Medical Sciences from 05.12.2022 till 12.03.2023. It is only on his return on duty that the order and other papers of appeal were handed over by him as because of his medical condition he was mentally unstable and did not give the copy of the order for further proceedings to the society.*

*An affidavit of the Managing Director of the Society confirming the above facts is enclosed herewith with the humble request that the delay in filing of the appeal may kindly be condoned and appeal be admitted, heard and decided on merits. "*

3. On perusal of the same, we find that Shri M. P. Singh who was looking after the taxation affairs of the society suffered from cancer and was undergoing treatment in Sanjay Gandhi Post Graduate Institute of Medical Sciences from 05.12.2022 till 12.03.2023. For this reason, Mr. Singh could not look after the work of filing the appeal. Considering this being a reasonable cause and taking note of the affidavit of the Managing Director of the society, we hereby condone the delay of 166 days in filing the instant appeal and admit the same for the purpose of adjudication on merits.

4. The assessee has raised following grounds of appeal:

*" 1. That the Ld. CIT(A) has erred in law and on facts and circumstances of the case in confirming the order of the Assessing Officer in which he has not carried forward the loss of Rs. 443, 52, 86, 663/- claimed by the appellant in the revised computation of income and confirming his order of carried forward of unabsorbed depreciation only to the extent of Rs.23, 05,247/-.*

*2. That the Ld. CIT(A) is not justified in holding that the computation sheet issued along with the assessment order showing loss of Rs.29,95,027/- is correct and thereby dismissing the appeal filed by the appellant.*

*3. That the Ld. CIT(A) has erred in law and on facts and circumstances of the case in holding that the Assessing Officer has accepted the revised computation filed by the appellant and dismissing the appeal of the appellant without deciding the claim of the appellant of carry forward of loss in the revised computation of income filed.*

*4. That the Appellant craves leave to add, alter, amend, and withdraw any of the grounds of appeal before the completion of the appellate proceedings. "*

5. At the outset, Ld. Counsel for the assessee submitted that the only issue is that the Ld. AO has mentioned a wrong amount of carried forward loss in the computation sheet and has inadvertently mentioned the figure of unabsorbed depreciation in place of the business loss. Brief synopsis filed by the Ld. Counsel for the assessee reads as under:

*"The only issue involved in this appeal is that the assessing officer while framing assessment u/s 143(3) although determined the business Loss at Rs.4,43,52,69,215/- . (Para 2 of Page 3 assessment order) but while computing income in computation sheet taken the Loss to be carried forward at Rs.23,05,247/ - - (P-5 of PB) which a represent unabsorbed depreciation of Rs.23,05,247/- (Page 7 & 8 of PB) assessee being aggrieved went before CIT(A). CIT(A), NEAC simply dismissed the appeal by observing at P-4 of its order that -*

*"Ld. AO has accepted the revised computation filled by the appellant during the assessment proceedings. Therefore, there should not be any grievance by the appellant against the assessment order that has accepted appellant's revised computation of income. Accordingly the appeal is dismissed. "*

*Being aggrieved, the 'appellant' came before your Honour. The brief facts of the case is that the 'assessee' filed original return on 30.10.2018 by claiming loss at business*

at Rs. 5,50,75,95,345/- which Consists of unabsorbed depreciation Rs.23, 05,247/ - and Business loss at Rs.550,52,90,098/- (Refer P-7 & 8 of P.B). Subsequently Assessee revised said return vide return dt.20/02/2019 in which the loss was returned at Rs.4,43, 52,86, 663/ - C P-3. of P.B). Reasons for revised return when asked were given (Page 1 & 2 of P.B). The A.O. while accepted the revised return as noted at Page 3, para 2 of A.O. that assessee claimed loss of Rs. 443, 52, 69,215/-. (by mistake the correct figure was 443,52,86,663/-). But HE committed mistake in the Computation sheet (P-5 of P.B. under No. 16) by mentioning 'loss of Current year to be carried forward' at Rs.23,05,247/- instead Rs.443,52,86,663/ -. Actually The Sum of Rs. 23, 05,247/ - represent depreciation claimed by The 'A' (P-7 & 8 of P.B.).

Your Honour will appreciate from the facts as narrated in the preceding paragraph that assessing officer although accepted the loss as declared by the assessee in the revised return at Rs.443, 52, 86, 663/- (Page 3 of revised computation of paper book read with page 3 of the assessment order) but while drawing the computation sheet which is available at page 4 to 6 of the paper book mentioned at page 5 at sr. no. 16 "Loss of current year to be carried forward" at Rs.23,05,247/-. This figure represents in fact the depreciation claimed by the assessee during the year which is apparent from page 7 & 8 of the paper book. The loss of the current year to be carried forward is to be Rs.443, 52, 86, 663/ - for which the assessee is in appeal before your Honour. The assessee therefore request your goodself to direct the assessing officer to rectify the computation sheet and allow the assessee correct loss of the current year to be carried forward i.e. Rs. 443, 52, 86, 663/ - instead of Rs.23,05,247 and a revised computation sheet be issued to the assessee by the assessing officer."

6. On the other hand, Ld. DR though supporting the order of the lower authorities submitted that the matter may restore to the file of the AO for necessary verification.

7. We have heard the rival submission and perused the material placed before us. The only grievance of the assessee is that in the computation sheet attached with the assessment order for AY 2018-19, Ld. AO has inadvertently mentioned wrong figure of Rs.23,05,247/ - in column 16 meant for carried forward of loss of current year. Ld. Counsel for the assessee has claimed that the loss of the current year is Rs.443.53 Cr. (approx) but the Ld. AO has wrongly mentioned the figure of Rs.23,05,247 /- which actually is the figure of

depreciation allowable to the assessee as per Income Tax Act. We notice that this contention of Ld. Counsel for the assessee mentioned in the synopsis (supra) deserves to be examined by the jurisdictional AO and for such examination necessary details should be filed by the assessee to the satisfaction of the Ld. AO for which reasonable opportunity be provided. We, therefore, restore the matter raised on merits to the file of Ld. AO for necessary verification of alleged carried forward of current year loss as discussed above. Accordingly, effective grounds of appeal raised by the assessee are allowed for statistical purposes.

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

Order is pronounced in the open court on 4th September, 2024.

Sd/-

(Sonjoy Sarma)  
Judicial Member

Sd/-

(Dr. Manish Borad)  
Accountant Member

Dated: 4th September, 2024

Jd. (Sr. P.S.)

Copy forwarded to :

- 1. Appellant – Humara India Credit Cooperative Society Ltd.,  
101/227/2, Mangal Jyoti, A. J. C. Bose road, Kolkata-700020.**
- 2. Respondent – Assessing officer, National e-Assessment Centre, Delhi**
3. CIT(A), NFAC, Delhi
4. CIT-
5. Departmental Representative
6. Guard File.

True copy

By order

Assistant Registrar  
ITAT, Kolkata Benches, Kolkata