

IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH: 'E' NEW DELHI
BEFORE SH. PRADIP KUMAR KEDIA, ACCOUNTANT MEMBER
AND
SHRI YOGESH KUMAR U.S., JUDICIAL MEMBER
I.T.A. No. 2281/DEL/2024 (A.Y 2017-18)

<p>Noida Power Company Limited</p> <p>Electric substation Knowledge Park-IV, Alpha Greater Noida, S.O. Sakipura Gautam Buddha Nagar, Gautam Budh Nagar, Uttar Pradesh</p> <p>PAN No. AAJPD9324P</p> <p>(APPELLANT)</p>	Vs.	<p>Assistant Commissioner of Income Tax</p> <p>Circle 5(2)(2) G B Nagar Aayakar Bhawan, A-2D Noida, Noida</p> <p>(RESPONDENT)</p>
--	-----	--

Assessee by:	Sh. Jaskaran Singh, CA
Department by:	Ms. Nidhi Singh, CIT DR

Date of Hearing	11.09.2024
Date of Pronouncement	11.09.2024

ORDER

PER YOGESH KUMAR U.S., JM

This appeal is filed by the Assessee for the Assessment Year 2017-18 against the order of the Ld. CIT(A)/National Faceless Appeal Centre, ('CIT' for short) Delhi ('CIT(A)' for short), dated 14/03/2024.

2. Brief facts of the case are that, an assessment order came to be passed u/s 143(3) of the Income Tax Act, 1961 ('Act' for short), wherein the A.O. accepted the return income at Rs. 1,14,21,99,770/-. However, while computing the income in the computation sheet, charged the interest u/s 234B of the Act amounting to Rs. 15,24,743/-, u/s 234C of the Act of Rs. 15,806/-. Aggrieved by the said action of the A.O., the Assessee preferred an Appeal before the CIT(A) and the CIT(A) vide order dated 14/03/2024, dismissed the Appeal of the Assessee on the ground that, '*since the A.O. has not adjudicated and not made the addition in the Assessment Order, the Assessee has no cause of action against the same*'. However, the Ld. CIT(A) gave liberty to approach the A.O. by way of rectification application u/s 154 of the Act. As against the order of the CIT(A) dated 14/03/2024 the Assessee preferred the present Appeal.

3. The Ld. Counsel for the Assessee submitted that the Ld. A.O. who has accepted the returned income and not made the addition, committed error in computing the income of the Assessee. Further submitted that the CIT(A) ought to have entertained the appeal and should have deleted the addition

made in the computation sheet. Thus, the Ld. AR sought for allowing the Appeal.

4. Per contra, the Ld. DR contended that the proper recourse for the Assessee is u/s 154 of the Act before the A.O. and by relying on the orders of the Lower Authorities sought for dismissal of the Appeal.

5. Heard the parties perused the material. The assessment order has been passed by the A.O. by accepting the returned income, however, while making the computation, certain interest is stated to have been levied against the Assessee. As the Assessment Order is silent on the additions made by the A.O., the reasons for charging interest in computation sheet is not forthcoming. Without making any comment on the correctness or otherwise of the action of the A.O., we deem it fit to restore the matter to the file of the A.O. for making de-novo computation in consequent to the assessment order dated 24/12/2019 and give consequential benefits to the Assessee, if any. The Assessee shall be at liberty to make such explanation as may be considered expedient. Ordered accordingly.

6. In the result, the Appeal of the Assessee is partly allowed for statistical purpose.

Order pronounced in the open court on 11th September, 2024.

Sd/-
(PRADIP KUMAR KEDIA)
ACCOUNTANT MEMBER

Dated: 11/09/2024

*R.N, Sr. PS**

Copy forwarded to:

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

Sd/-
(YOGESH KUMAR U.S.)
JUDICIAL MEMBER

ASSISTANT REGISTRAR
ITAT NEW DELHI