

IN THE INCOME TAX APPELLATE TRIBUNAL
PUNE "A" BENCH : PUNE

BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER
AND
SHRI INTURI RAMA RAO, ACCOUNTANT MEMBER

I.T.A.No.1209/PUN./2024 [E-APPEAL]
Assessment Year 2013-2014

The Income Tax Officer, Parmar Complex, Bafna T-Point, Hyderabad Road, NANDED – 431 604. Maharashtra.	vs.	Latur District Central Co.op Bank Ltd., LDCC Bldg., Yashwant Marg, LATUR. PIN – 413 512. PAN AAAAL0225H
(Appellant)		(Respondent)

For Assessee :	Shri Kishor B Phadke
For Revenue :	Shri Amol Khairnar, CIT-DR

Date of Hearing :	01.10.2024
Date of Pronouncement :	07.10.2024

ORDER

PER SATBEER SINGH GODARA, J.M.

This assessee's appeal for assessment year 2013-2014, arises against the National Faceless Appeal Centre [in short the "NFAC"] Delhi's Din and Order No. ITBA/NFAC/S/250/2024-25/1063947211(1), dated 05.04.2024, in proceedings u/s.143(3) r.w.s.263 of the Income Tax Act, 1961 (in short "the Act").

Heard both the parties. Case file perused.

2. It emerges at the outset that there is hardly much a need for us to deal with the relevant factual matrix at length once it is clear from a perusal of the CIT(A)/ NFAC's impugned

lower appellate order that the learned CIT/ PCIT's sec.263 revision directions dated 28.03.2018, terming the former round of sec.143(3) assessment dated 24.11.2015 as an erroneous one causing prejudice to interest of the Revenue; itself stands reversed in the assessee's appeal preferred against the same i.e., ITA.No.165/PUN./2019 decided on 04.10.2019. The Revenue could hardly dispute that the instant sec.143(3) r.w.s. 263 assessment proceedings framed in consequence to the said sec.263 revision directions; have no legs to stand as per *sublato fundamento cadit opus* principle and the learned CIT(A) has granted relief to the assessee for this precise reason only. We accordingly reject the Revenue's instant appeal in very terms. Ordered accordingly.

3. This Revenue's appeal is dismissed in above terms.

Order pronounced in the open Court on 07.10.2024.

Sd/-
[INTURI RAMA RAO]
ACCOUNTANT MEMBER
Pune, Dated 07th October, 2024

Sd/-
[SATBEER SINGH GODARA]
JUDICIAL MEMBER

VBP/-
Copy to

1.	The appellant
2.	The respondent
3.	The Pr. CIT, Pune concerned
4.	D.R. ITAT, "A" Bench, Pune.
5.	Guard File.

//By Order//

//True Copy //

Sr. Private Secretary, ITAT, Pune Benches, Pune.