

**IN THE INCOME TAX APPELLATE TRIBUNAL
MUMBAI BENCH "A" MUMBAI**

**BEFORE SHRI OM PRAKASH KANT (ACCOUNTANT MEMBER)
AND
SHRI RAHUL CHAUDHARY (JUDICIAL MEMBER)**

**ITA No. 464/MUM/2021
Assessment Year: 2013-14**

Avacado Properties and Trading
(India) Pvt. Ltd.,
Sr No. 1406, A/18, Paradigm
Building, Link Road, Malad West,
Mumbai-400604.

PAN NO. AADCA 9413 F
Appellant

Vs. Dy. CIT Central Circle-4(2),
Room No. 1918, Air India Building,
Nariman Point,
Mumbai-400021.

Respondent

Assessee by : Ms. Disha Jain
Revenue by : Dr. K.R. Subhash, CIT-DR

Date of Hearing : 23/10/2024
Date of pronouncement : 28/10/2024

ORDER

PER OM PRAKASH KANT, AM

This appeal has been filed by the assessee against order dated 29.01.2021 passed by the Ld. Commissioner of Income-tax (Appeals)-52, Mumbai [in short 'the Ld. CIT(A)'] for assessment year 2013-14, raising following grounds:

Ground No.1:



On the facts and circumstances of the case and in law, the Ld . CIT(A) erred in , by upholding the action of the AO, wherein the AO had mechanically adopted the total income under the normal provisions of the Income-tax Act, 1961 (Act) while passing the order under Section 153A of the Act as was determined in the order under section 143(3) of the Act dated 30.03.2016, thereby disallowing Rs 8,62,96,444 under section 14A of the Act. The appellatant humbly prays before your Honor that the said disallowance may please be deleted.

Ground No. 2:

On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in by upholding the action of the AO, wherein the AO had mechanically adopted the book profits under section 115JB of the Act while passing the order under Section 153A of the Act as was determined in the order under section 143(3) of the Act dated 30.03.2016, thereby disallowing Rs 8,62,96,444 under section 14A of the Act. The appellatant humbly prays before your Honor that the said disallowance may please be deleted.

2. At the outset, the Ld. counsel on behalf of the assessee submitted that the assessee wishes to withdraw the appeal and in regard filed a written request form the assessee. The Revenue did not object for the same. Accordingly, the appeal of the assessee is dismissed as withdrawn.

3. In the result, the appeal of the assessee is dismissed.

Order pronounced in the open Court on 28/10/2024.

**Sd/-
(RAHUL CHAUDHARY)
JUDICIAL MEMBER**

**Sd/-
(OM PRAKASH KANT)
ACCOUNTANT MEMBER**

Mumbai;
Dated: 28/10/2024
Rahul Sharma, Sr. P.S.



Copy of the Order forwarded to :

1. The Appellant
2. The Respondent.
3. CIT
4. DR, ITAT, Mumbai
5. Guard file.

//True Copy//

BY ORDER,
(Assistant Registrar)
ITAT, Mumbai