

**IN THE INCOME TAX APPELLATE TRIBUNAL,
MUMBAI BENCH "G", MUMBAI**

**BEFORE SHRI NARENDER KUMAR CHOUDHRY, JUDICIAL MEMBER
AND
SHRI RATNESH NANDAN SAHAY, ACCOUNTANT MEMBER**

**ITA No.3469/M/2024
Assessment Year: 2023-24**

Swift India Corporate Services LLP 91-92B, Mittal Court, Nariman Point, Mumbai – 400021. PAN: ADDFS7861H	Vs.	DCIT, ITO Circle 26(1) Mumbai- 400051.
(Appellant)		(Respondent)

Present for :

Assessee by : Shri Chaitanya Joshi & Bhavya Jain- A.R.

Revenue by : None

Date of Hearing : 02 . 09 . 2024

Date of Pronouncement : 21 . 10 . 2024

O R D E R

Per : Ratnesh Nandan Sahay, Accountant Member:

1. This appeal has been filed by the appellant against the Order of the Ld. CIT (Appeals) passed u/s. 250 of the Income Tax Act [the 'Act' in short]



vide DIN & Order No. ITBA/APL/S/250/2024-25/1064790192(1) Dated 10/05/2024 for the Assessment Year 2023-24.

2. Following grounds of appeal have been raised by the appellant:

“GROUND NO. I: SHORT-GRANT OF CREDIT OF TDS AMOUNTING TO RS.4,74,769/

1. *On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in upholding the decision of the Ld. AO in not granting TDS credit of Rs.82,35,435/- as against Rs.87,10,204/- claimed by the Appellant in its return of income.*
2. *The Appellant prays that it be granted full credit of TDS of Rs.87,10,204/-.*
3. *Without prejudice, a direction be given to grant the credit in the year in which TDS credit is reflected in Form 26AS.*

GROUND NO, II: CHARGING INTEREST UNDER SECTION 234B AND 234C OF THE ACT:

1. *On the facts and circumstances of the case and in law, the Hon'ble CIT(A) erred in upholding the decision of Ld. AO in charging interest under Sections 234B and 234C of the Act.*
2. *The Appellant prays that the interest chargeable under Sections 234B and 234C of the Act be accordingly corrected/reduced.*

GENERAL

The Appellant Company craves leave to add, alter and/or amend or delete all or any of the grounds of appeal at the time of hearing.”

3. Mainly, there are two grounds of appeal one relating to the short-grant of credit of TDS and another charging of interest u/s. 234B and 234C of the Income Tax Act. The facts of the case, in brief, are that the appellant is a Limited Liability Partnership (LLP) firm engaged in

providing corporate advisory services. The appellant has filed its original return of income on 28/10/2023 declaring total income of Rs.5,25,89,380/-. The return of income was processed u/s. 143(1) by the ADIT, CPC, Bangalore on a sum of total income of Rs.5,25,89,380/-. However, while processing the return of income, the TDS claim of Rs.4,74,769/- was not allowed with the following comments 'mismatch between tax credits claimed and allowed for Rs.4,74,769/-'. Aggrieved by the order of the AO (CPC), the appellant filed the appeal before the Ld. Commissioner of Income Tax appeal. The Ld. Commissioner of Income Tax appeal vide the impugned order dismissed the appeal of the assessee on the ground that despite numerous notices were issued to the appellant on 29/03/2024, 18/04/2024 and 26/04/2024, it could not produced any relevant details in support of the claim of TDS amounting to Rs.4,74,769/-.

4. Aggrieved by the order of the Ld. CIT (A) this appeal has been preferred. During the appellate proceedings before us, the appellant had submitted as under:

“In the case of Swift India Corporate Services LLP (the Appellant’)

<i>ITA No.</i>	<i>Assessment Year</i>	<i>Appeal By</i>
<i>ITA No. 3468/MUM/2024</i>	<i>2020-21</i>	<i>Assessee</i>
<i>ITA No. 3642/MUM/2024</i>	<i>2022-23</i>	
<i>ITA No. 3469/MUM/2024</i>	<i>2023-24</i>	

Brief Synopsis

The captioned matters were heard on September 02, 2024 before Your Honours. At the conclusion of the said hearing, the Hon'ble Bench has directed to file a brief synopsis, the same is being filed under this note

- *The sole and common issue involved in the captioned appeals is regarding short credit of TDS on account of TDS mismatch in Form 26AS. All these appeals arise from the initiation u/s. 143(1) of the Income-tax Act, 1961 (the Act').*
- *The Appellant is a Limited Liability Partnership Firm, engaged in the business of corporate consultation and advisory services. The revenue from the said business activity is recognised once the service is rendered and invoice is booked and the same is accordingly offered for taxation.*
- *The table below captures the summary of TDS credit claimed in Appellant's return of income ("ROI") and the TDS credit granted by the CPC in the impugned intimations:*

Assessment Year	Amount of TDS Credit claimed in the ROI	Amount of TDS Credit granted by CPC	TDS credit short granted
2020-21	52,21,155	48,08,241	4,12,914
2022-23	63,20,050	59,26,575	3,93,475
2023-24	87,10,204	82,35,435	4,74,769



- *The major reasons for mismatch in TDS credit are as under:*
- i. *TDS credit is appearing in Form 26AS of subsequent years and hence there is overlap of TDS credit between AY 2020-21, AY 2022-23 and AY 2023-24. (Please refer Factual Paper Book Pg 90 of ITA No. 3468/MUM/2024 filed for AY 2020- 21).*
 - ii. *Some of the vendors account for payments on cash basis and hence they make TDS deduction at the time of actual payment and however the Appellant has accounted for the income on mercantile basis and hence there will be overlap of TDS credit over different years. (Please refer Factual Paper Book Pg 90 of ITA No. 3468/MUM/2024)*
 - iii. *Failure on the part of some of the vendors while filing their TDS return to disclose TDS credit on transactions pertaining to the Appellant. (Please refer Factual Paper Book Pg 90 of ITA No. 3468/MUM/2024)*
- *Ld. CIT(A) has, although stated that the Appellant has filed its submissions on 22/09/2022, has wrongly stated that the Appellant has not filed any reconciliation. This is fact is incorrect in light of the reconciliation statement filed alongwith*

the submissions which have been reproduced in the order of the Id. CIT(A) (Reconciliation statement is at Pg. 90 of the FPB).

- *As is evident from the said reconciliation statement, there is an overlap of TDS Credits across different years and the same needs to be granted for the correct assessment year in which the Appellant has offered the corresponding income for tax in the return of income which will be in line with the provisions of s. 199 of the Act read with Rule 37BA.*
- *In view of the foregoing, it is most humbly submitted that the order of the Id. CIT(A) for all 3 years be quashed and the matters be sent back to the file of the Id. Jurisdictional Assessing Officer for verification of the necessary details and grant the correct TDS credit for respective assessment year.”*

5. We have considered the submissions made by the appellant stated as above. It is found in this case that the Ld. CIT (A) has not decided the issue on merit on the ground that the appellant has neither made any compliance before him nor provided any details before the Ld. CIT(A) despite several notices were issued by him. We, therefore, think it proper to remand the issue back to the file of the Ld. AO to consider the issue on merit after taking into cognizance the details filed by the



appellant. The appellant is also directed to provide the Ld. CIT(A) all the relevant details so that he can take the decision on merit.

6. In the result, the appeal is allowed for statistical purpose.

Order pronounced in the open court on 21.10.2024.

**Sd/-
NARENDER KUMAR CHOUDHRY
JUDICIAL MEMBER**

**Sd/-
RATNESH NANDAN SAHAY
ACCOUNTANT MEMBER**

Mumbai, Dated: 21.10.2024.

Snehal C. Ayare, Stenographer

Copy to: The Appellant
The Respondent
The CIT, Concerned, Mumbai
The DR Concerned Bench

//True Copy//

By Order

Dy/Asstt. Registrar, ITAT, Mumbai.