

**IN THE INCOME TAX APPELLATE TRIBUNAL
COCHIN BENCH, COCHIN**

Before Shri Satbeer Singh Godara, Judicial Member and
Shri Amarjit Singh, Accountant Member

ITA Nos. 297 & 298/Coch/2023
(Assessment Years: 2013-14 & 2015-16)

Mannarghat Rubber Estates P. Ltd. No. 18, Unnikammu Building Mannarghat Palghat 678582 [PAN: AABCM6599A] (Appellant)	vs.	ACIT, Circle - 1 Palakkad (Respondent)
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Appellant by:	Shri Adithya Unnikrishnan, CA
Respondent by:	Smt. V. Swarnalatha, Sr. D.R.

Date of Hearing:	22.08.2024
Date of Pronouncement:	23.10.2024

ORDER

Per Bench

These assessee's twin appeals ITA Nos. 297 & 298/Coch/2023, arise against orders of the National Faceless Appeal Centre , Delhi [CIT(A)] in proceedings u/s. 250 of the Income Tax Act, 1961 (the Act) as under :-

Sr. No.	ITA No.	AY	DIN & Order No.	Date
1	297/Coch/2023	2013-14	ITBA/NFAC/S/250/2022-23/1050151652(1)	27.02.2023
2	298/Coch/2023	2015-16	ITBA/NFAC/S/250/2022-23/1050151807(1)	27.02.2023

Heard both the parties. Case files perused.

2. It emerges during the course of hearing that the assessee's identical sole substantive ground placed in both these appeals challenge the lower authorities action treating its sale proceeds from transfer of "agricultural land" as business income thereby holding that it had taken a plunge in adventure in land trading activities.

3. Learned Sr. DR refers to the para 4 of the assessment order in former AY 2013-14 and para 3.3 of the latter assessment; respectively that the assessee has been rightly assessed for its impugned business income.

4. We note in this factual backdrop that there is no indication in the former AY 2013-14 before us that the assessee has sold/transferred its agricultural land. We are of the considered view therefore that the assessee could not be held to have engaged in any adventure or business in land dealings in AY 2013-14. The factual position is the opposite in the latter AY 2015-16 it has been found that the assessee had sold/transferred its lands after due plotting as per the assessment order. Learned counsel indeed very fair in not being able to rebut all the relevant facts to this clinching effect.

5. Faced with this situation, we allow the assessee's former appeal ITA 297/Coch/2023 for AY 2013-14 and dismiss the latter case ITA 298/Coch/2023 for AY 2015-16 in very terms. A copy of this common order be placed in the respective case files.

Order pronounced in the open court on 23rd October, 2024 under Rule 34 of The Income Tax (Appellate Tribunal) Rules, 1963.

Sd/-

(Amarjit Singh)
Accountant Member

Cochin, Dated: 23rd October, 2024
n.p.

Sd/-

(Satbeer Singh Godara)
Judicial Member

Copy to:

1. The Appellant
2. The Respondent
3. The Pr. CIT concerned
4. The Sr. DR, ITAT, Cochin
5. Guard File

By Order

Assistant Registrar
ITAT, Cochin