

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

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

ITA No. 587/Coch/2023
(Assessment Year: 2015-16)

Chiramal Kunjavoo Chakunny George Chiramal Kunjavoo House Kizhakumpattukara Nehru Bazar, East Fort P.O. Trichur 680005 [PAN: ACUPG7573J]	vs.	The Income Tax Officer Ward - 2(2), Thrissur
(Appellant)		(Respondent)

Appellant by:	Shri S. Anil Kumar, Advocate
Respondent by:	Smt. V. Swarnalatha, Sr. D.R.

Date of Hearing:	22.08.2024
Date of Pronouncement:	23.10.2024

ORDER

Per Bench

This assessee's appeal for A.Y. 2015-16 arises against the National Faceless Appeal Centre, Delhi [CIT(A)]'s DIN & Order No. ITBA/NFAC/S/250/2023-24/1053686304(1) dated 13.06.2023 in proceedings u/s. 250 of the Income Tax Act, 1961 (the Act).

Heard both parties at length. Case file perused.

2. It emerges at the outset from a perusal of the CIT(A)/NFAC lower appellate discussion in para 5.3.2 that he has restored the assessee's section 54F deduction claim to the Assessing Officer which is no more sustainable in light of the statutory

amendment in section 251(1)(a) w.e.f. 01.06.2001 as the corresponding statutory expression 'he may set aside' stands omitted. Learned counsel further submits that the assessee has filed his additional submissions before the CIT(A) in light of *Goetze (India) Ltd. v CIT [(2006) 284 ITR 323 (SC)]* as well which has not been adjudicated on merits.

3. Be that as it may, once we restore the assessee's instant case back to the Assessing Officer, we make it clear that the taxpayer shall indeed be at liberty to plead and prove all the facts within three effective opportunities of hearing at his own risk and responsibility in consequential proceedings. Ordered accordingly.

4. This assessee's appeal is allowed for statistical purposes in above terms.

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

Sd/-
(Satbeer Singh Godara)
Judicial Member

Cochin, Dated: 23rd October, 2024

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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