

आयकर अपीलीय अधिकरण, 'डी' न्यायपीठ, चेन्नई।
IN THE INCOME TAX APPELLATE TRIBUNAL
'D' BENCH: CHENNAI

श्री एबी टी. वर्की, न्यायिक सदस्य एवं श्री अमिताभ शुक्ला, लेखा सदस्य के समक्ष
BEFORE SHRI ABY T VARKEY, JUDICIAL MEMBER AND
SHRI AMITABH SHUKLA, ACCOUNTANT MEMBER
आयकर अपील सं./ ITA No.2285 /Chny/2024
निर्धारण वर्ष /Assessment Years: 2020-21

Suresh Bethavandu,
New No.34, Old No.51, Visreya
Padmanabhan Nagar, 4th Street, Adyar,
Besant Nagar, Chennai-600 020.
[PAN: ALNPS1458E]

Deputy Commissioner of Income Tax,
Non-Corp circle-17(1),
Chennai

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से/ Appellant by

: Shri V.Balaji, CA(virtual)

प्रत्यर्थी की ओर से /Respondent by

: Mr.Chinthapalli Meher Chand, JCIT

सुनवाई की तारीख/Date of Hearing

: 22.10.2024

घोषणा की तारीख /Date of Pronouncement

: 08.11.2024

आदेश / ORDER

PER AMITABH SHUKLA, A.M :

This appeal is filed against the order bearing DIN & Order No.ITBA/APL/S/250/2024-25/1067145691(1) dated 30.07.2024 for the assessment years 2020-21. Through the aforesaid appeal the assessee has challenged order u/s 250 dated 30.07.2024 passed by ADDL/JCIT(A)-1, Lucknow.

2.0 The only issue in the case raised by the appellant through the grounds of appeal is regarding denial of its foreign tax credit relief u/s 90 amounting to Rs. 19,29,739/- by the AO on account of the same having been filed after the due date. Through its paper book filed during the course of present proceedings the Ld. Counsel pleaded that it was required to file a Form-67 mandatory for claim of FTC relief u/s 90 on or before 31.07.2020. However, owing to Covid-19 scenario it was able to file the same only on 26.02.2021. It is the case of the Ld. Counsel of the assessee that the revised TOLA guidelines entitled the assessee to file it upto 31.03.2021. The Ld. DR contended that the view taken by the Ld. CIT(A) that as per the extended time lines the same was required to be filed by January 10, 2021, is correct. The Ld. DR thus heavily relied upon the order of CIT(A).

3.0 We have heard rival submissions in the light of material on records. The only controversy in the issue is as to whether the time lines prescribed in the TOLA guidelines would prevail over the time lines extension promulgated by the CBDT. In our considered opinion the view taken by the Ld. CIT(A) is not correct and deserves to be revisited. Accordingly, we deem it fit to set aside the order of the lower authorities and direct the Ld. CIT(A) to readjudicate the matter afresh after

considering time extensions prescribed in TOLA guidelines and judicial pronouncements on the matter, after giving opportunities of being heard to the assessee. The assessee shall comply with all the notices issued by the Ld.First Appellate Authority. Accordingly the grounds of appeal raised by the assessee are allowed for statistical purposes.

4.0 In the result the appeal raised by the assessee is allowed for statistical purposes.

Order pronounced on 8th, November-2024 at Chennai.

Sd/-

(एबी टी. वर्की)

(ABY T VARKEY)

न्यायिक सदस्य / Judicial Member

Sd/-

(अमिताभ शुक्ला)

(AMITABH SHUKLA)

लेखा सदस्य /Accountant Member

चेन्नई/Chennai, दिनांक/Dated: 8th, November-2024.

KB/-

आदेश की प्रतिलिपि अग्रेषित/**Copy to:**

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकर आयुक्त/CIT - Chennai
4. विभागीय प्रतिनिधि/DR
5. गार्ड फाईल/GF