

IN THE INCOME TAX APPELLATE TRIBUNAL
MUMBAI "SMC" BENCH : MUMBAI

BEFORE SHRI B.R. BASKARAN, ACCOUNTANT MEMBER
AND
SHRI RAJ KUMAR CHAUHAN, JUDICIAL MEMBER

ITA No. 4829/Mum/2024
Assessment Year : 2012-13

Elarci (Eastates and Constructional) Development Services Private Limited, 3 rd Floor, Rupam Building, 239, P.D. Mello Road, Near GPO, Mumbai PAN : AAACE7877Q	vs.	Income Tax Officer-2(1)(3), 5 th Floor, Aayakar Bhavan, M.K. Road, Mumbai
(Appellant)		(Respondent)

Assessee by : Shri K. Gopal,
Revenue by : Shri Umesh Chandra Sinha

Date of Hearing : 11/11/2024
Date of Pronouncement : 12/11/2024

PER B.R. BASKARAN, A.M :

The assessee has filed this appeal challenging the order dt. 19-07-2024 passed by the Ld. Addl./JCIT(A)-Thiruvananthapuram and it relates to AY. 2012-13.

2. The Ld.AR submitted that this is second round of proceeding. In the first round, the Tribunal vide its order dt. 06-08-2018 passed in ITA No. 1686/Mum/2017 had restored the matters back to the file of AO. Consequent thereto, the present assessment order dated 20-12-2019 came to be passed by the AO u/s. 143(3) r.w.s 254 of the Income Tax Act, 1961 ('the Act'). In that order, the AO made certain adjustments to

the book profits computed u/s.115JB of the Act and the said adjustment was challenged by the assessee before the Ld.Addl./JCIT(A) as Ground No. 4. However, the Ld. Addl./JCIT(A) did not adjudicate the said ground. Accordingly the Ld.AR prayed that this appeal may be restored to the file of the Ld.Addl./JCIT(A) with a direction to adjudicate Ground No. 4 urged before him.

3. We heard Ld.DR and perused the record. We find merit in the submissions made by the Ld.AR. Accordingly, we restore this appeal to the file of the Ld. Addl./JCIT(A) with a direction to adjudicate Ground No.4 urged before him. The assessee should be given adequate opportunity of being heard.

4. In the result, the appeal of the assessee is treated as allowed for statistical purposes.

Order pronounced in the open court on 12-11-2024

Sd/-
[RAJ KUMAR CHAUHAN]
JUDICIAL MEMBER

Sd/-
[B.R. BASKARAN]
ACCOUNTANT MEMBER

Mumbai,
Dated: 12-11-2024

TNMM

Copy to :

- 1) The Appellant
- 2) The Respondent
- 3) The CIT concerned
- 4) The D.R, "SMC" Bench, Mumbai
- 5) Guard file

By Order

Dy./Asst. Registrar
I.T.A.T, Mumbai