

IN THE INCOME TAX APPELLATE TRIBUNAL  
MUMBAI BENCH "C", MUMBAI

BEFORE SHRI. ANIKESH BANERJEE, JUDICIAL MEMBER AND  
SMT. RENU JAUHRI, ACCOUNTANT MEMBER

I.T.A No.2230/Mum/2024  
(Assessment Year :2019-20)

<b>Portescap India Private Limited,</b> Unit No.2, SDF 1, Seepz Sez, Andheri East Mumbai – 400 096 <b>PAN : AAACK4896K</b>	vs	<b>Centralized Processing Centre Bangalore</b> 1 <sup>st</sup> Floor, Prestige Alpha No.48/1 48/2, Beratenaagrahara Begur, Hosur Road, Uttarahlli, Hobli, Bengaluru, Karnataka-560 100
<b>APPELLANT</b>		<b>RESPONDENT</b>

Assessee by : Smt. Chandani Shah & Shri Kinjal Patel  
Respondent by : Shri. Krishna Kumar, CIT  
Date of hearing : 14/11/2024  
Date of pronouncement : 19/11/2024

**ORDER**

**PER ANIKESH BANERJEE, J.M:**

Instant appeal of the assessee was filed against the order of the Learned Commissioner of Income-tax (Appeals) ADDL/JCIT(A)-4, Bengaluru [for brevity, 'Ld.CIT(A)'] passed under section 250 of the Income-tax Act, 1961 (in short, 'the Act'), for Assessment Year 2019-20, date of order 29.02.2024. The impugned

order was emanated from the order of the CPC, Bengaluru (in brevity, 'the Ld.AO') passed under section 143(1) of the Act, date of order 28/03/2021.

2. We heard the rival submission and considered the documents available in the record. The assessee filed the return under section 139(1) of the Act and the return was processed under section 143(1) of the Act. The CPC had raised the demand related to disallowance of notional rent – Rs.4,53,046/-; disallowance of re-measurement benefit on defined plan – Rs.31,69,282/- and deferred tax amount to Rs.16,82,483/-. The aggrieved assessee filed an appeal before the Id. CIT(A). The assessee also filed a rectification petition under section 154 related to rectification of demands as per section 143(1) of the Act. The rectification process was completed, as a result the demands raised U/s 143(1) was wiped out vide order dated 15/06/2021 by the order U/s 143(1)/ 154 of the Act. On the other hand, the appeal was instituted by the assessee by challenging the order U/s 143(1) on 28/03/2021 was duly processed and ex parte order was passed. Finally, the appeal was partly allowed. The Ld.AR filed a written submission which is kept in record. We find the order U/s 143(1)/154 of the Act is annexed in **APB pages 268 to 292**. The Id. AR stated that in the rectification order all the demands were squared off and there is no demand against the assessee. But on the other side the same demand was confirmed by the Ld.CIT(A) by order U/s 250 of the Act.

We have carefully perused the documents on record. In our considered view, the Ld. AO has nullified the demand by issuing a rectification order under Section 143(1)/154 of the Act. Consequently, no demand remains outstanding against the assessee as per the rectification order of the Id. AO in impugned assessment year. Therefore, the demands upheld in the impugned appellate order cannot be

sustained against the assessee. The Ld. DR has acknowledged this position and accepted the submissions of the Ld. AR. In light of this, the grounds raised by the assessee are allowed, and the impugned appellate order is hereby quashed.

Accordingly, the assessee's appeal is allowed.

3. In the result, the appeal of the assessee bearing **ITA 2230/Mum/2024** is allowed.

Order pronounced in the open court on 19<sup>th</sup> day of November 2024.

Sd/-

(RENU JAUHRI)  
ACCOUNTANT MEMBER  
Mumbai, दिनांक/Dated: 19/11/2024  
Pavanan

sd/-

(ANIKESH BANERJEE)  
JUDICIAL MEMBER

**Copy of the Order forwarded to:**

1. अपीलार्थी/The Appellant ,
2. प्रतिवादी/ The Respondent.
3. आयकरआयुक्त CIT
4. विभागीयप्रतिनिधि, आय.अपी.अधि., मुंबई/DR, ITAT,  
Mumbai
5. गार्डफाइल/Guard file.

BY ORDER,

//True Copy//

(Asstt. Registrar), ITAT, Mumbai