

**आयकर अपीलीय अधिकरण “सी” न्यायपीठ चेन्नई में।**  
**IN THE INCOME TAX APPELLATE TRIBUNAL**  
**“C” BENCH, CHENNAI**

**माननीय श्री महावीर सिंह, उपाध्यक्ष एवं**  
**माननीय श्री मनोज कुमार अग्रवाल, लेखा सदस्य के समक्ष।**  
**BEFORE HON’BLE SHRI MAHAVIR SINGH, VP AND**  
**HON’BLE SHRI MANOJ KUMAR AGGARWAL, AM**

**आयकरअपील सं./ ITA No.1084/Chny/2024**  
**(निर्धारण वर्ष / Assessment Year: 2018-19)**

<b>M/s. Panasonic Carbon India Company Ltd.</b> 77, Old No.35, 3 <sup>rd</sup> floor, Pottpatti Plaza, Nungambakkam High Road, Chennai-600 034.	<b>बनाम</b> / Vs.	<b>DCIT</b> Circle-1, LTU, Chennai.
स्थायीलेखासं./जीआइआरसं./PAN/GIR No. <b>AAACI-5679-J</b>		
(अपीलार्थी/ <b>Appellant</b> )	:	(प्रत्यर्थी / <b>Respondent</b> )

अपीलार्थीकीओरसे/ <b>Appellant by</b>	:	Shri P. Uttamchand Jain (CA) - Ld. AR
प्रत्यर्थीकीओरसे/ <b>Respondent by</b>	:	Ms. R. Anita (Addl.CIT) - Ld. DR

सुनवाईकीतारीख/ <b>Date of Hearing</b>	:	28-08-2024
घोषणाकीतारीख / <b>Date of Pronouncement</b>	:	18-11-2024

**आदेश / O R D E R**

**Manoj Kumar Aggarwal (Accountant Member)**

- Aforesaid appeal by assessee for Assessment Year (AY) 2018-19 arises out of the order of learned Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi [CIT(A)] dated 23-02-2024 in the matter of an assessment framed by Ld. Assessing Officer [AO] u/s. 143(3) of the Act on 20-02-2021. The sole grievance of the assessee is application of correct rate of tax.
- It emerges that the assessee was assessed u/s 143(3) on 20-02-2021. To seek correction of certain discrepancies, the assessee sought

rectification u/s 154 and Ld. AO rectified the computation of income vide order dated 12-10-2023. In this computation, Ld. AO applied tax rate of 30% as against assessee's claim of 25%. The assessee sought concessional rate on the ground that its gross receipts during previous year (PY) 2015-16 did not exceed Rs.50 Crores, The assessee claimed that its turnover was Rs.49.01 Crores only. However, Ld. AO denied the same. The Ld. CIT(A), upon perusal of Profit & Loss Account, held that assessee's revenue from operations for the year ending 31-03-2016 were Rs.51.25 Crores. The other income was Rs.5.90 Crores. The gross receipts were Rs.54.91 Crores and therefore, the correct rate of tax would be 30% only. Aggrieved as aforesaid, the assessee is in further appeal before us.

3. The Ld. AR has placed on record a copy of First Schedule of Finance Act, 2018. The rates of tax as prescribed for a company, as per paragraph-E, are as follows: -

(i) Where total turnover or the gross receipt in the previous year 2015-16 does not exceed fifty Crores rupees;	25% of the total income
Other than that referred to in item (i)	30% of the total income

Upon perusal of the same, it could be seen that the prescribed condition for concessional rate of tax of 25% is that the total turnover or the gross receipt in the previous year 2015-16 should not exceed Rs.50 Crores. The relevant financial statements for the year ended 31-03-2016 could be extracted as under: -

<b>Particulars</b>	<b>Year ended 31-03-2016</b>
Revenue from Operations (Note No.16)	51,25,70,311
Less : Excise Duty	2.24.00,965
Balance	49,01,69,346
Other Income (Note No.17)	5,90,23,856
Total	54,91,93,202

4. The argument of Ld. AR is that excise duty should be excluded from gross receipts of the assessee on the ground that it is recoverable from customers and turnover is accounted for on net basis. However, this argument could not be accepted since the expression used is 'total turnover or gross receipts'. No deduction is intended to be granted. Another noteworthy fact is that the assessee does not have any other source of income except business income. The other income has also been assessed as Business Income only. Therefore, even if the argument of Ld. AR is accepted, the applicable rate would still be 30% since the revenue from operations including other income would exceed Rs.50 Crores. Therefore, correct basic rate as applicable to the assessee would be 30% only.

5. The appeal stand dismissed.

*Order pronounced on 18<sup>th</sup> November, 2024.*

Sd/-

**(MAHAVIR SINGH)**

उपाध्यक्ष / **VICE PRESIDENT**

Sd/-

**(MANOJ KUMAR AGGARWAL)**

लेखा सदस्य / **ACCOUNTANT MEMBER**

चेन्नई Chennai; दिनांक Dated : 18-11-2024

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**आदेशकीप्रतिलिपिअग्रेषित/Copy of the Order forwarded to :**

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकरआयुक्त/CIT, Chennai.
4. विभागीयप्रतिनिधि/DR
5. गार्डफाईल/GF