

IN THE INCOME TAX APPELLATE TRIBUNAL
COCHIN BENCH : COCHIN

BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER
AND
SHRI AMARJIT SINGH, ACCOUNTANT MEMBER

ITA.Nos.265 & 266/COCH./2021
Assessment Years 2010-2011 & 2011-2012

Reena Engineers and Contractors Private Ltd., 602, Shiv Towers, Patto, Panaji, Goa – 403 001. PAN AACCR7201F	vs.	The ACIT, Central Circle-1, CALICUT.
(Appellant)		(Respondent)

For Assessee :	Shri Surendranath Rao, C.A.
For Revenue :	Shri Dr S. Pandian, CIT-DR

Date of Hearing :	21.08.2024
Date of Pronouncement :	07.11.2024

ORDER

PER SATBEER SINGH GODARA, J.M.

These assessee's twin appeals ITA.Nos.265 & 266/COCH./2021, for the assessment years 2010-2011 & 2011-2012, arise against the CIT(A)-3, Kochi, Kochi's common order in Appeal No. ITA.52-58/C/CIT(A)-III/2017-18, dated 25.10.2021, in proceedings u/sec.143(3) r.w.s.153A of the Income Tax Act, 1971 (in short the "Act"); respectively.

Heard both the parties. Case files perused.

2. It emerges during the course of hearing at the outset that there arises the first and foremost legal issue before us question of validity of the impugned sec.153A r.w.s.143(3) assessments itself once both the learned lower authorities have not made any addition based on the seized material traced during the course of search herein dated 10.06.2015. We wish to make it clear that both these assessment years before us assessment years 2010-2011 & 2011-2012 are “unabated” ones and therefore, case law sPCIT vs. Abhisar Buildwell P. Ltd., [2023] 454 ITR 212 (SC) has settled the issue in assessee’s favour and against the department that any such addition has to be based on seized material only. We thus accept the assessee’s instant first and foremost legal ground in very terms. Ordered accordingly.

All other pleadings on merits stand rendered academic.

3. These assessee’s twin appeals ITA.Nos.265 & 266/COCH./2021 are allowed in above terms. A copy of this common order be placed in the respective case files.

Order pronounced in the open Court on 07.11.2024.

Sd/-

[AMARJIT SINGH]
ACCOUNTANT MEMBER

Sd/-

[SATBEER SINGH GODARA]
JUDICIAL MEMBER

Cochin, Dated 07th November, 2024

VBP/-

Copy to

1.	The appellant
2.	The respondent
3.	The CIT, Cochin concerned
4.	The D.R. ITAT, Cochin Bench, Cochin.
5.	Guard File.

//By Order//

//True copy//

Sr. Private Secretary, ITAT, Cochin Bench,
Cochin