

**IN THE INCOME TAX APPELLATE TRIBUNAL
COCHIN BENCH:COCHIN**

**BEFORE SHRI INTURI RAMA RAO, ACCOUNTANT MEMBER
AND
SHRI PRAKASH CHAND YADAV, JUDICIAL MEMBER**

ITA No.361/Coch/2023
AssessmentYear:2018-19

Anna Aluminium Company Private Limited KP 111 847 Kizhakkambalam Aluva Ernakulam 683 562 Kerala PAN NO : AAFCA6562R	Vs.	PCIT Kochi
APPELLANT		RESPONDENT

Appellant by	:	Sri.Harikrishnanunny, CA
Respondent by	:	Sri.Sanjit Kumar Das, CIT-DR

Date of Hearing	:	20.11.2024
Date of Pronouncement	:	29.11.2024

O R D E R

PERPRAKASH CHAND YADAV, JUDICIAL MEMBER:

The present appeal of the assessee is arising from the order of PCIT Kochi dated 28.3.2023.

2. Brief facts of the case are that assessee, filed its return of income on 24.10.2018 declaring an income of Rs.8,59,05,700/-. Thereafter, the case of the assessee was selected for scrutiny. During the course of assessment proceedings, the AO issued various notices to the assessee and sought compliance from the assessee and completed the assessment as per the returned income.

3. The Id. PCIT called for records and examined the records of assessment and observed that the AO has not examined the claim of provision for bad and doubtful debts. The Id. PCIT was of the view that the AO has allowed the claim of bad and doubtful debts merely for the provisions made by the assessee. Therefore, the Id. PCIT formed an opinion that the order of AO was erroneous and prejudicial to the interest of revenue. Accordingly, the Id. PCIT terming the order of Assessing Officer as erroneous and prejudicial to the interest of revenue set aside the same.

4. Aggrieved with the order of AO, the assessee has come up in appeal. At the outset, we observe that the consequential assessment order in pursuance to the order of section 263 has already been completed, and in consequential order the AO has made the additions on account of provisions made for bad and doubtful debts. When the Bench asked the assessee as to whether he is challenging the consequential order before the Id. CIT(A), the counsel for the assessee candidly accepted yes, and submitted that the assessee is in appeal before the CIT(A).

4A. After considering the rival submissions and material on record we are of the view that questionability of the jurisdiction under section 263 is now become academic in view of the subsequent development i.e. passing of subsequent order by the AO and challenge of the same before the CIT(A). Therefore, we are of the view that the present appeal has no merit and hence we dismiss the same.

5. Accordingly, the appeal of the assessee is dismissed. We hereby clarify that assessee can challenge issue on merits before the CIT(A) in accordance with law.

6. In the result, appeal of the assessee is dismissed.

Order pronounced in the open court on 29th Nov, 2024

Sd/-
(Inturi Rama Rao)
Accountant Member

Sd/-
(Prakash Chand Yadav)
Judicial Member

Cochin, Dated 29th Nov, 2024.
VG/SPS

Copy to:

1. The Applicant
2. The Respondent
3. The CIT
4. The DR, ITAT, Cochin.
5. Guard file

By order

Asst. Registrar,
ITAT, Bangalore.