

आयकर अपीलीय अधिकरण, अहमदाबाद न्यायपीठ "डी", अहमदाबाद ।
IN THE INCOME TAX APPELLATE TRIBUNAL
" D " BENCH, AHMEDABAD

श्री टी.आर. सेन्थिल कुमार, न्यायिक सदस्य एवं
श्री मकरंद वसंत महादेवकर, लेखा सदस्य के समक्ष।

BEFORE SHRI T.R. SENTHIL KUMAR, JUDICIAL MEMBER
AND
SHRI MAKARAND V. MAHADEOKAR, ACCOUNTANT MEMBER

आयकर अपील सं./ITA No.327/Ahd/2020
निर्धारण वर्ष /Assessment Year : 2016-17

Gujarat State Electricity Corporation Ltd. Sardar Patel Vidyut Bhavan Race Course Circle Alkapuri Vadodara - 390 007	<u>बनाम/</u> <u>v/s.</u>	The Asst.Commissioner of Income Tax Circle-1(1)(1) Vadodara
स्थायी लेखा सं./PAN: AAACG 6864 F		

(अपीलार्थी/ Appellant)		(प्रत्यर्थी/ Respondent)
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Assessee by :	Shri Manish J. Shah & Shri Rushin Patel, ARs
Revenue by :	Shri Prathvi Raj Meena, CIT-DR

सुनवाई की तारीख/Date of Hearing : 18/09/2024
घोषणा की तारीख /Date of Pronouncement: 11/12/2024

आदेश/ORDER

PER MAKARAND V. MAHADEOKAR, AM:

This matter has been recalled pursuant to the order of the Co-ordinate Bench dated 04.04.2024 in M.A. No. 104/Ahd/2023, filed in connection with I.T.A. No. 327/Ahd/2020 for the Assessment Year 2016-17. The Co-ordinate Bench, in its original order dated 19.09.2023, disposed of the appeal filed by the assessee. However, it was subsequently observed that Ground No.4 pertaining to the disallowance of miscellaneous losses amounting to Rs.2.09 crores was not adjudicated in the original order due to inadvertence.

Accordingly, this matter has been recalled for the limited purpose of adjudicating the omitted Ground No.4.

2. The Ground No. 4 of the assessee is re-produced here -

"4.0 The learned Commissioner of Income Tax (Appeals) erred in law and on facts has confirmed the disallowance of Expenses relating to Miscellaneous losses written off amounting to Rs.2,09,74,000/- on the ground that the appellant did not substantiate the nature of expenses."

3. The brief facts are that the AO disallowed an amount of Rs.2,09,74,000/- claimed by the assessee as miscellaneous losses written off, citing insufficient substantiation of the nature of these expenses. The AO observed that the claim was based on general particulars without supporting documentary evidence and there was no corroborative material provided to substantiate the claim. The CIT(A) upheld this disallowance on similar grounds.

4. During the course of the hearing before us, the Authorized Representative (AR) of the assessee pointed out the submission made by the assessee during the course of appellate proceedings. The assessee's submission categorized the "Miscellaneous Losses Written Off" into specific heads as detailed below:

- Shortages on Physical Verification of Material Stocks: Rs.9,16,381.52.
- Loss of Materials by Pilferage: Rs. 84,188.29.
- Loss on Obsolescence of Fixed Assets: Rs.2,56,376.12.
- Loss on Sale of Scrap: Rs.1,42,10,739.50.
- Write-off of Intangible Assets: Rs.19,57,676.00.
- Bad Debts Written Off: Rs.22,50,000.00.
- Small & Low-Value Items Written Off: Rs.3,01,799.60.
- Write-off of WDV of Scrapped Assets: Rs.45,789.39.
- Loss on Sale of Fixed Assets: Rs.9,50,884.21.