

IN THE INCOME TAX APPELLATE TRIBUNAL "C" BENCH MUMBAI

**BEFORE SHRI AMIT SHUKLA, JUDICIAL MEMBER
AND
SHRI GIRISH AGRAWAL, ACCOUNTANT MEMBER**

**ITA No. 5346/MUM/2024
Assessment Year: 2014-15**

C.U Inspections India Pvt. Ltd., Plot No.C-113, TTC Indl Area Pawane MIDC, Navi Mumbai -400706 (PAN : AAACH6794F)	Vs.	Income Tax Officer- 15(1)(2), Mumbai
(Appellant)		(Respondent)

Present for:

Assessee : Shri H.N. Motiwala, CA
Revenue : Shri Krishna Kumar, Sr. DR

Date of Hearing : 28.11.2024
Date of Pronouncement : 12.12.2024

ORDER

PER GIRISH AGRAWAL, ACCOUNTANT MEMBER:

This appeal filed by the assessee is against the order of Ld. CIT(A)-55, Mumbai vide order no. ITBA/APL/S/250/2024-25/1068083648(1), dated 28.08.2024 passed against the assessment order by the Assistant Commissioner of Income Tax-15(1)(2), Mumbai, u/s. 143(3) r.w.s 144C of the Income-tax Act (hereinafter referred to as the "Act"), dated 22.12.2017 for Assessment Year 2014-15.

2. The issue raised by the assessee in the present appeal is in respect of ld. Assessing Officer not granting credit for TDS amounting to Rs.1,99,43,612/-, since assessee failed to demonstrate with evidence that income for which TDS has been claimed was not offered for taxation.

3. Brief facts on the issue before the Tribunal are that, assessee had filed its return of income on 26.11.2014 reporting total income at Rs.2,56,47,130/- which was subsequently revised on 06.07.2015 reporting the same total income. In the said return, assessee had claimed a refund of Rs.1,16,22,400/-.

4. Ld. Counsel for the assessee pointed out a wrong noting of fact by ld. CIT(A) in respect of TDS credit vis-à-vis refund claimed by the assessee in its return. He referred to para 8 of the order of ld. CIT(A), wherein the ground raised in respect of ld. Assessing Officer not giving credit of TDS of Rs.1,99,13,633/-, whereas ld. CIT(A), inadvertently has noted that the TDS credit of Rs.1,16,22,400/- was reflected in Form No.26AS for which he noted that assessee had failed to demonstrate with evidence that the income for which TDS claim has been made was offered for taxation in the year under consideration and thus held that TDS credit could not be allowed to the assessee. It is thus, asserted that the correct amount of claim by assessee towards credit of TDS of Rs.1,99,13,633/-.

4.1. Ld. Counsel for the assessee referred to profit and loss account of the assessee placed at page 20 of the Paper Book to point out total revenue from operations at Rs.26,14,63,609/- and other income Rs.48,85,410/-, totalling to Rs.26,63,49,019/-. Against this, he referred to Form No.26AS placed in the Paper Book at page 1 to 18, to demonstrate that total amount paid/credit reflected in Form 26AS against which TDS claim of Rs.1,99,43,611/- has been made, is Rs.24,22,06,183/-. He thus, pointed out that there cannot be any doubt in terms of income not offered by the assessee in its return of income against which TDS credit has been claimed, when the total revenue of the assessee reported in its audited financial statement is Rs.26,63,49,019/-.

4.2. On these set of facts, ld. Sr. DR fairly accepted that the issue requires verification at the end of ld. Assessing Officer from the material placed on record in the Paper Book.

5. Considering the facts on record and the material placed before us, we find it proper to remit the matter to the file of Jurisdictional Assessing Officer (JAO), directing him to verify and allow the claim of TDS made by the assessee by perusing entries reflecting in Form 26AS vis-à-vis total revenue reported by the assessee in its profit and loss account so as to ensure that what is reflected in Form 26AS has been offered to tax in the year under consideration and the TDS credit claimed pertains to the same income. Based on the said verification, ld. Assessing is directed to allow the claim of the assessee in accordance with the provisions of law. Accordingly, ground taken by the assessee in this respect is allowed for statistical purposes.

6. In the result, appeal of the assessee is allowed for statistical purposes.

Order is pronounced in the open court on 12 December, 2024

Sd/-
(Amit Shukla)
Judicial Member

Sd/-
(Girish Agrawal)
Accountant Member

Dated: 12 December, 2024

MP, Sr.P.S.

Copy to :

1. The Appellant
2. The Respondent
3. DR, ITAT, Mumbai
4. Guard File
5. CIT

BY ORDER,

(Dy./Asstt.Registrar)
ITAT, Mumbai