

आयकर अपीलीय अधिकरण, चण्डीगढ़ न्यायपीठ "ए", चण्डीगढ़
IN THE INCOME TAX APPELLATE TRIBUNAL, CHANDIGARH BENCH "A", CHANDIGARH

HEARING THROUGH: PHYSICAL MODE

श्री विक्रम सिंह यादव, लेखा सदस्य एवं श्री परेश म. जोशी, न्यायिक सदस्य
BEFORE: SHRI. VIKRAM SINGH YADAV, AM & SHRI. PARESH M. JOSHI, JM

आयकर अपील सं. / ITA NO. 567/Chd/2024
निर्धारण वर्ष / Assessment Year : 2022-23

Aditi Gupta 144-Green Park, Civil Lines Ludhiana-141001	बनाम	The DDIT CPC, Bengaluru
स्थायी लेखा सं./PAN NO: BCJPG0439B		
अपीलार्थी/Appellant		प्रत्यर्थी/Respondent

निर्धारिती की ओर से/Assessee by : Shri Satish Gupta, Advocate
राजस्व की ओर से/ Revenue by : Shri Vivek Vardhan, JCIT, Sr. DR
सुनवाई की तारीख/Date of Hearing : 25/09/2024
उद्घोषणा की तारीख/Date of Pronouncement : 18/12/2024

आदेश/Order

PER VIKRAM SINGH YADAV, A.M. :

This is an appeal filed by the Assessee against the order of the Ld. CIT, Appeal, ADDL/JCIT(A) Madurai dt. 12/04/2024 pertaining to Assessment Year 2022-23 wherein the sole ground of appeal relates to non-grant of TDS credit and as against the refund of Rs. 47,070/- claimed in the revised return of income, creating an additional demand of Rs. 20,350/- including levy of interest under Section 234A, 234B and 234C of the Act.

2. During the course of hearing, the Ld. AR submitted that the assessee filed the original return of income declared total income of Rs. 23,84,150/- and determined tax liability of Rs. 4,70,719/- and taking into consideration the credit for TDS amounting to Rs 5,73,000/-, refund of Rs. 1,02,280/- was claimed while filing the return of income. Thereafter the assessee filed a revised return of income under section 139(5) declaring the total income at Rs. 22,08,120/- and determining the total tax liability at Rs. 4,98,933/- and TDS credit was reduced to Rs. 5,46,000/- from 5,73,000/- and refund of Rs. 47,070/- was claimed.

3. It was submitted that CPC, Bangalore processed the return of income and determined income at Rs. 22,08,120/- as per the revised return of income however created a tax demand of Rs. 20,350/- against the refund claimed of Rs. 47,070/-.

4. It was submitted that the assessee carried the matter in appeal before the Ld. CIT(A) who has also failed to appreciate the written submissions and supporting documents so filed and against the said findings, the assessee is in appeal before us.

5. It was submitted that during the course of processing of the return of income, certain communication was received from CPC stating that the gross receipt shown in Form 26AS are higher than the total of the receipt shown under the head of income on which the credit for TDS has been claimed in the return of income so filed and necessary explanation from the assessee was sought. It was submitted that the assessee filed the necessary explanation before the CPC as well as before the Ld. CIT(A) which has not been properly appreciated.

6. It was submitted that the gross receipt as per Form No. 26AS downloaded on 12/09/2022 comes to Rs. 57,30,000/- and turnover as per GSTR 3B and Audited Books of account is Rs. 41,70,000/- and the difference of Rs. 15,60,000/- is on account of reversal of Rs. 1,35,000/- by M/s Ashiana Builders and Rs. 1,35,000/- by M/s Vista Housing totaling to Rs. 2,70,000/- and the remaining amount of Rs. 12,90,000/- was received in the subsequent F.Y. in the month of April, 2022 and hence the same has been reported in the first quarter GST return in the subsequent financial year.

7. It was submitted that the necessary details were duly submitted before the lower authorities and which have not been properly appreciated. It was accordingly submitted that the necessary relief be provided to the assessee by allowing the necessary credit for TDS so claimed in the return of income.

8. Per contra, the Ld. DR submitted that even where the explanation of the assessee regarding reversal of entries by M/s Ashiana Manglam Builders and M/s Vista Housing amounting to Rs. 2,70,000/- is accepted, as far as the payment of Rs. 12,90,000/- is concerned, since the assessee admittedly has not offered the same in the return of income for the impugned assessment year, it is also not eligible for the corresponding credit for the TDS so done on such payment and since the assessee has submitted that the same has been offered to tax in the subsequent financial year, the corresponding credit can only be allowed in the subsequent financial year.

9. We have heard the rival contentions and perused the material available on record. We find that as far as reversal of entries by M/s Ashiana Manglam Builders and M/s Vista Housing amounting to Rs. 2,70,000/- are concerned, the assessee has

herself revised her TDS claim while filing the revised return of income and corresponding TDS credit has been suo-moto reduced by the assessee and is no more in dispute. As far as payment of Rs 12,90,000/- which the assessee claimed to have received in subsequent financial year and which apparently has not been offered to tax for the impugned assessment year, the assessee shall not be eligible for TDS credit be eligible for carry forward the corresponding TDS credit to the subsequent assessment year and the assessee be allowed necessary credit against the tax liability which such receipts have been offered to tax.

10. Subject to the above, we find that there is no other dispute/mismatch between the receipts as per Form 26AS and as offered in the return of income as pointed out by either of the parties. The matter is accordingly set-aside to the file of the AO for the limited purposes of verifying and allowing TDS credit corresponding to the total payments offered to tax in the impugned assessment year. The AO is also directed to determine the quantum of TDS credit to be carried forward and allow the necessary carry forward of TDS credit to subsequent assessment year 2023-24.

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

Order pronounced in the open Court on 18/12/2024.

Sd/-
परेश म. जोशी
(PARESH M. JOSHI)
न्यायिक सदस्य / JUDICIAL MEMBER

Sd/-
विक्रम सिंह यादव
(VIKRAM SINGH YADAV)
लेखा सदस्य/ ACCOUNTANT MEMBER

AG

आदेश की प्रतिलिपि अग्रेषित/ Copy of the order forwarded to :

1. अपीलार्थी/ The Appellant
2. प्रत्यर्थी/ The Respondent
3. आयकर आयुक्त/ CIT
4. आयकर आयुक्त (अपील) / The CIT(A)
5. विभागीय प्रतिनिधि, आयकर अपीलीय आधिकरण, चण्डीगढ़/ DR, ITAT, CHANDIGARH
6. गार्ड फाईल/ Guard File

आदेशानुसार/ By order,
सहायक पंजीकार/ Assistant Registrar