



**IN THE INCOME TAX APPELLATE TRIBUNAL  
JABALPUR BENCH "SMC", JABALPUR**

**BEFORE SHRI KUL BHARAT, VICE PRESIDENT**

ITA Nos 73 & 78/JAB/2023

Assessment Year: 2013-14

<b>Mohan Lal Bhikhulal</b> Betul Ganj, Betul (MP).	v.	<b>Income Tax Officer Ward</b> Aayakar Bhawan, Betul (MP).
<b>PAN:AABFM6172C</b>		
(Appellant)		(Respondent)

Appellant by:	Shri Abhijeet Shrivastava, Adv		
Respondent by:	Shri Bharat Sheogankar, Sr. CIT(DR)		
Date of hearing:	06	01	2025
Date of pronouncement:	07	01	2025

**ORDER**

**PER KUL BHARAT, VICE PRESIDENT.:**

These two appeals, filed by the assessee, against the common order dated 29/03/2022 of learned Commissioner Income Tax (Appeals) [hereinafter referred as the "Ld. CIT(A)"/National Faceless Appeal Centre (NFAC) for the assessment year 2013-14. The Assessee has raised the following grounds of appeals: -

**"ITA. No. 73/JBL/2023**

*G.1 The learned Assessing Office and CIT (Appeal) was not justified was not justified in making assessment against the law and facts of the case.*

*G.2. Because the Honble Tribunal failed to realize that loss of 1645500 which has been debited in P&L Account under the Head of Sauda Settlement which is unjustified and bad in law particularly when the accounts of the assessee were duly audited and book results were accepted.*

*G.3. Because The Hon'ble Tribunal failed to realize that the loss of 1645500 which has been debited in P&L Account under the Head of Sauda Settlement which is unjustified and bad in law as the same in allowed in preceding year and factum of rendering services by the payee professionals were not disputed by the Tribunal.*

*G.4 Because the ld. AO in has disallowed the interest paid to directors in the assessment proceedings in this regards it is submitted that the Assessee had filed details of loans taken during the year and their utilization for purposes of business. The ld. ITAT Jabalpur Bench in the case of J P Tabacco for the years 2007 08,2009-10,2010-11 and 2011-12 in ITA No. 217,221,222 and 231/Jbp/2015 by order dt 27-04-2018*

assessee held interest payments as fair and allowable to the extent of 18%.

G. 5 The CIT (Appeals) was also not justified in deciding the appeal without examining the issues.

G. 6 The appellant craves for leave to amend, add to or omit any ground up to the time of hearing of the appeal.”

**I.T.A No. 78/JBL/2023**

a. Because The AO PASSED U/S 147/143 IS WHOLLY UNJUSTIFIED AS THE ASSESSEE HAS PRODUCED ALL THE INFORMATION AS REQUIRED BY THE LEARNED [TO AT THE TIME OF ORIGINAL ASSESSMENT PROCEEDINGS THEREFORE THE CASE REOPENED U/S 147 IS MERELY A CHANGE OPINION AND ALSO UNLAWFULL. FURTHER THE ASSESSEE HAS DEDUCTED THE TDS AS PER SECTION 194(C) IF APPLICABLE BEFORE WITHOUT GIVING MEANINGFULL OPPORTUNITY THE ORDER PASSED U/S 143/147 IS UNJUSTIFIED WITHOUT MAKING PROPER OPPORTUNITY /INQUIRY THE DISALLOWANCE/ADDITION MADE U/S 143/147 IS IMPROPER, UNJUSTIFIED AND UNWANTED.THE SAID ADDITION MAY KINDLY BEDELETED GROUNDS OF APPEAL U/S 143(3)1) THAT ONTHE FACTS AND IN THE CIRCUMSTANCES OF THE CASE AND INLAW, THE LEARNED A.O. ERRED TO REOPEN THE CASE U/S 147/148 WITHOUT ANY CONCRETEREASONS THEREFORE THE ASSESSMENT ORDER PASSED IS UNLAWFULL.

b. The learned Assessing Office and CIT (Appeal) was not justified was not justified in making assessment against the law and facts of the case.

c. Because ON THE FACTS AND IN CIRCUMSTANCES OF THE CASE AND IN LAW, THE LEARNED ITO-BETUL ERRED TO MAKE THE ADDITION OF RS. 431929/- U/S 40(a)(ai) IS IMPROPER, UNJUSTIFIED AND UNWARRENTED.

d. BECAUSE ON THE FACTS AND IN CIRCUMSTANCES OF THE CASE AND IN LAW, THELEARNED AO ERRED TO DISALLOWED THE TRANSPORT EXPENSES AT RS.431929/- U/S 194(C) OF IT ACT. 1961 WHICH IS UNJUSTIFIED AS THERE WASNO CONTACT BETWEEN THE ASSESSEE AND TRANSPORTORS THEREFORE IN SUCH CIRCUMSTANCES THE ADDITION MADE IS IMPROPERA UNJUSTIFIED.

E The appellant craves for leave to amend, add to or omit any ground up to the time of hearing of the appeal.”

2. At the time of hearing before me, the Ld. Counsel for the assessee informed us that the assessee has opted to settle the aforementioned appeals under Vivad se Vishwas Scheme, 2024 and prayed for withdrawal of the aforesaid appeals and a letter dated 03.01.2025 is placed on record. The relevant contents of the letter dated 03.01.2025 is reproduced as under: -

“1. The assessee has filed the above appeal aggrieved by the order of Commissioner Appeal.

2. That the Dispute between the party is settled in Vivad se Vishwas Scheme and the assessee did not want to purse the appeal.

*3. In the light of the above fact the Assessee prays for withdrawal of the appeal.”*

3. The Learned Departmental Representative has no objection for withdrawal of these appeals.

4. After due consideration and in view of the foregoing, I am of the opinion that these appeals have become infructuous on account of aforesaid VSVS, and these appeals may be treated as withdrawn on account of the aforesaid VSVS. Accordingly, these appeals having become infructuous are treated as withdrawn and are hereby dismissed.

5. Before we part, I hereby clarify, by way of abundant caution, that if for some reasons the dispute under these appeals before me is not settled under the aforesaid VSVS, then the assessee will be at liberty to approach Income Tax Appellate Tribunal (ITAT) for restoration of these appeals in accordance with law.

6. In the result, both appeals of the assessee are dismissed as withdrawn.

Order pronounced in the open Court on 07/01/2025.

Sd/-  
[KUL BHARAT]  
VICE PRESIDENT

DATED: 07/01/2025

Vijay Pal Singh, (Sr. PS)

**Copy of the Order forwarded to :**

1. The Appellant
2. The Respondent
3. The CIT (Judicial)
4. The PCIT
5. DR, ITAT, Jabalpur
6. Guard File

By order

// True Copy//

Assistant Registrar  
ITAT, Jabalpur