



IN THE INCOME TAX APPELLATE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

BEFORE DR.MANISH BORAD, ACCOUNTANT MEMBER
AND
SHRI MANOMOHAN DAS, JUDICIAL MEMBER

आयकर अपील सं. / ITA Nos.103 and 104/GTY/2024
निर्धारण वर्ष / Assessment Years: 2020-21 and 2021-22

Dhurjyoti Tea Company Private Limited, C/o. Manoj Kumar Agarwal, Barmajan Tinali, P.O. Pengree, Assam – 786 174 PAN : AACCD5523E	Vs.	ITO, Ward-1, <u>Digboi</u> ,
अपीलार्थी / Appellant		प्रत्यर्थी / Respondent

Assessee by:	None
Department by:	Shri Kausik Ray, JCIT
Date of hearing:	26.11.2024
Date of Pronouncement:	20.01.2025

आदेश / ORDER

PER DR. MANISH BORAD, ACCOUNTANT MEMBER :

The captioned appeals pertaining to Assessment Years 2020-21 and 2021-22 at the instance of assessee are directed against the separate orders dated 24.02.2024 passed by Addl/JCIT(A)-13, Mumbai passed u/s.250 of the Income-tax Act, 1961 (in short 'the Act') which in turn are



arising out of respective Intimation orders passed u/s.143(1)(a) of the Act.

2. Facts in brief common to both the appeals are that the assessee is a Private Limited company engaged in the manufacturing of black Tea. The assessee filed the return of income u/s.139(1) of the Act disclosing total income of Rs.2,02,950/- for the A.Y. 2020-21 and Rs.9,66,070/- for the A.Y. 2021-22 after claiming deduction u/s.80IE at Rs.1,35,40,282/- and Rs.6,81,69,045/- respectively, filing the Tax Audit Report in Form 10CCB on 30.08.2022 and 12.03.2022 but however reflected the assessment year 2017-18. The CPC vide orders u/s.143(1)(a) processed the returns denying the deduction claimed by the assessee u/s.80IE of the Act on the ground the assessee has filed the Audit Report for the A.Y. 2017-18 and not for the A.Yrs. 2020-21 and 2021-22, thereby making the prima-facie adjustment of the amounts claimed by it.

3. Aggrieved assessee filed appeal(s) before the ld.CIT(A) and the ld.CIT(A) confirmed the action of the CPC for both the years. Finding of ld.CIT(A) is similar for both the years under appeal and the same is reproduced below :



“5.4.6 On going through the same, it is noted that the Hon'ble Courts are very clear in its decision that the audit report should be filed at any time before the framing of the assessment. In the instant case, the assessment has been made under the provision of section 143(1) of the Act and before the passing the order u/s 143(1) of the Act, the CPC had audit report for A.Y. 2017-18 and not for the relevant assessment year i.e. for A.Y. 2020-21. The appellant has uploaded audit report in form 10CCB for A.Y. 2017-18 which is misrepresentation of fact. Knowing very well that this audit report is not valid, implying that effectively no audit report has been filed by the appellant before the passing of order of intimation u/s 143(1). With regard to the contention of the appellant that no opportunity was provided before making the said adjustment, this argument has been quelled as during the course of appellate proceedings, the appellant has been provided multiple opportunities to substantiate its claim with documentary evidence however the fact remains the same.”

4. Now the assessee is in appeal before the Tribunal challenging the impugned order.

5. When the appeals were called for, none appeared on behalf of the assessee despite due service of notice of hearing. We therefore proceed to dispose of the appeals with the able assistance from the ld. Departmental Representative *exparte* qua the assessee.

6. We have heard the ld. Departmental Representative and perused the record placed before us. We find the common issue in both these appeals is that the assessee has been denied the benefit of section 80IE of the Act on account of



filing wrong Audit Report. The CPC observed that for the impugned assessment years, the Audit Reports were for the A.Y. 2017-18 whereas the claim has been made for the A.Yrs. 2020-21 and 2021-22. The contention of the assessee is two fold; firstly, the CPC erred in making adjustment and secondly, the assessee has been consistently claiming 80IE deduction from A.Y. 2017-18 and has said deduction been allowed by the Department in the past.

7. The facts emerging from the impugned orders is that the assessee did not file the correct Audit Report even when sufficient opportunity was provided by the CIT(A). As far as intimation u/s.143(1)(a) of the Act is concerned, the CPC had made *prima-facie* adjustment based on the wrong Audit Report and observations of the Tax Auditor. Though the assessee is claiming that no prior intimation was given but the same is not supported by any credible evidence. Even otherwise, processing of returns under CPC is monitored through the programme device in the computer system and it works on that basis itself. We note that the assessee has obtained the Audit Report in Form No.10CCB for claiming deduction u/s.80IE of the Act. It is also claimed that due to inadvertent mistake, the assessment year was not changed.



We therefore in the facts and circumstances of the instant case and in the interest of justice, deem it proper that assessee deserves an opportunity of hearing. Finding of Id.CIT(A) is set-aside for both the years under appeal and issues on merit are remitted to the file of Id.CIT(A). Assessee is directed to file necessary details along with the correct Audit Report and certificate of the Tax Auditor for having committed the mistake. If the claim of the assessee is found to be correct supported by Audit Report in correct form, then Id. CIT(A) shall decide in accordance with law after affording reasonable of hearing to the assessee. Effective grounds of appeal raised by the assessee for the years under appeal are allowed for statistical purposes.

8. In the result, both the appeals of the assessee are allowed for statistical purposes.

Order pronounced on this 20th day of January, 2025.

Sd/-
(MANOMOHAN DAS)
JUDICIAL MEMBER

Sd/-
(MANISH BORAD)
ACCOUNTANT MEMBER

दिनांक / Dated : 20th January, 2025

Satish



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

1. अपीलार्थी / The Appellant.
2. प्रत्यर्थी / The Respondent.
3. The Pr. CIT concerned.
4. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, “, Guwahati” बेंच,
/ DR, ITAT, Guwahati Bench
5. गार्ड फ़ाइल / Guard File.

आदेशानुसार / BY ORDER,

// True Copy //

Assistant Registrar