

आयकर अपीलीय अधिकरण, कोलकाता पीठ "सी", कोलकाता
IN THE INCOME TAX APPELLATE TRIBUNAL " C" BENCH: KOLKATA
श्री राजेश कुमार, लेखा सटस्य एवं श्री संजय शर्मा, न्यायिक सदस्य के समक्ष
[Before Shri Rajesh Kumar, Accountant Member & Shri Sonjoy Sarma, Judicial Member]

I.T.A. No.2244/Kol/2024
Assessment Year: 2020-21

Meenakshi Mercantiles Limited (PAN: AADCM 1113 E)	Vs.	DCIT, Circle-11(1), Kolkata
Appellant / (अपीलार्थी)		Respondent / प्रत्यर्थी

Date of Hearing / सुनवाई की तिथि	22.01.2025
Date of Pronouncement/ आदेश उद्घोषणा की तिथि	31.01.2025
For the assessee / निर्धारिती की ओर से	Shri S. K. Tulsian, AR
For the revenue / राजस्व की ओर से	Shri Sanjay Paul, Addl. CIT

ORDER / आदेश

Per Rajesh Kumar, AM:

This is the appeal preferred by the assessee against the order of Ld. Commissioner of Income Tax (Appeals)-Addl. / JCIT(A)- 25, Mysore (hereinafter referred to as the Ld. CIT(A)] dated 08.10.2024 for AY 2020-21.

2. The only issue raised by the assessee in this appeal is against the order of Ld. CIT(A) dismissing the appeal on improper consolidation of the grounds of appeal relating to two different orders i.e. 143(1) and 154 of the Act thereby upholding the

order passed by the CPC dated 30.11.2021 wherein there was a total mistake in the total exempt income which was taken at Rs. 5,57,95,702/- instead of Rs. 5,95,66,940/- thereby resulting into sustaining of addition of Rs. 37,71,038/-.

3. Facts in brief are that the assessee filed a return of income on 25.03.2021 declaring total income of Rs. 8,65,06,120/- which was processed u/s 143(1) vide order dated 30.11.2021. In the said intimation, order passed u/s 143(1) there was a mistake apparent from the record for which the assessee moved a rectification order u/s 154 of the Act dated 14.12.2021. However, the same was not rectified. Again the assessee filed rectification application before CPC on 16.02.2022 but again mistake was not rectified. Then the assessee filed an appeal before the Ld. JCIT(A) against the order u/s 143(1) with a delay of 90 days. However, the appeal was dismissed by the JCIT by holding that the assessee had filed an appeal against 143(1) dated 30.11.2021 but relating to adjustments made in order u/s 154 dated 16.02.2022.

4. Now the assessee has preferred an appeal before the Tribunal challenging the appellate order u/s 250 of the Act.

5. After hearing the rival contentions and perusing the material on record, we find that in the intimation passed by Ld. CPC u/s 143(1) dated 30.11.2021 the assessee declared total exempt income of Rs. 5,95,66,740/- which comprised of following:

i) share of income from firms	Rs. 16,45,319/-
ii) Other exempt income dividend	Rs. 4,77,17,980/-
iii) Interest	Rs. 1,00,05,713/-
iv) Agricultural income	Rs. 1,97,728/-
Total exempt income	Rs. 5,95,66,740/-

However, in the intimation u/s 143(1), the said income was wrongly taken as Rs. 5,57,95,702/-. The same appears to be calculation mistake on the part of the CPC and needs to be rectified. The Ld. CIT(A) has dismissed the appeal on technical issue that the assessee has raised ground both against orders u/s 143(1) order as well as u/s 154 of

the Act passed by the CPC, Bengaluru. However, the fact remains that wrong income cannot be assessed by the CPC when all the facts and figures were available at first hand in the return of income. In our opinion, the said intimation is required to be corrected. Accordingly, we set aside the order of Ld. CIT(A) and direct the AO correct the figure of exempt income as 5,95,66,740/- as against Rs. 5,57,95,702/- as taken in the intimation u/s 143(1) of the Act.

6. In the result, the appeal of the assessee is allowed.

Order is pronounced in the open court on 31st January, 2025

Sd/-

Sd/-

(Sonjoy Sarma /संजय शर्मा)
 Judicial Member/न्यायिक सदस्य
 Dated: 31st January, 2025

(Rajesh Kumar/राजेश कुमार)
 Accountant Member/लेखा सदस्य

SM, Sr. PS

Copy of the order forwarded to:

1. Appellant- Meenakshi Mercantiles Ltd., 504, Woodburn Central, 5A, Bibhabati Bose Sani, Kolkata-700020
2. Respondent – DCIT, Circle-11(1), Kolkata
3. Ld. CIT(A)- Addl/JCIT(A), Mysore
4. Ld. Pr. CIT- , Kolkata
5. DR, Kolkata Benches, Kolkata (sent through e-mail)

True Copy

By Order

Assistant Registrar
 ITAT, Kolkata Benches, Kolkata