

आयकर अपीलीय अधिकरण, कोलकाता पीठ "बी", कोलकाता

IN THE INCOME TAX APPELLATE TRIBUNAL "B" BENCH: KOLKATA

श्री राजेश कुमार, लेखा सटस्य एवं श्री प्रदीप कुमार चौबे, न्यायिक सदस्य के समक्ष
[Before Shri Rajesh Kumar, Accountant Member & Shri Pradip Kumar Choubey, Judicial Member]

I.T.A. No. 2232/Kol/2024

Assessment Year: 2020-21

Manas Rawat (PAN: AJXPR 1507 M)	Vs.	ITO, Ward-50(1), Kolkata
Appellant / (अपीलार्थी)		Respondent / प्रत्यर्थी

Date of Hearing / सुनवाई की तिथि	07.01.2025
Date of Pronouncement/ आदेश उद्घोषणा की तिथि	30.01.2025
For the assessee / निर्धारिती की ओर से	Shri Anuj Musaddi, A.R
For the revenue / राजस्व की ओर से	Shri Abhishek Kumar, Addl. CIT Sr. D.R

ORDER / आदेश

Per Pradip Kumar Choubey, JM:

This is the appeal preferred by the assessee against order of Commissioner of Income Tax (Appeal)-Addl/JCIT(A)-4, Chennai (hereinafter referred to as the Ld. CIT(A)] dated 19.09.2024 for AY 2020-21.

2. Brief facts of the case of the assessee is that the assessee filed its return of income for AY 2020-21. The return was processed and after process an addition of Rs. 51,42,248/- was made under business and profession raising a demand of Rs. 29,94,578/-.

3. Aggrieved by the intimation order assessee preferred an appeal before the Ld. CIT(A) wherein the appeal of the assessee has been dismissed.

Being aggrieved and dissatisfied the assessee preferred an appeal before us.

4. The Ld. Counsel for the assessee challenges the impugned order thereby submitting that the assessee had reported total salary income of Rs. 57,38,750/- , interest income of Rs. 1,53,494/-, dividend income of Rs. 1,482/- and commission income of Rs. 3/- in return of income under part A Profit and loss account but due to lack of knowledge the assessee has reported the said salary income under schedule income from salaries. The Ld. Counsel further submitted that the same was reported twice in the income tax return whereas the said income should ideally be reduced from the computation of business income as income offered to tax under head or income claimed as exempt. The counsel contended that this has resulted into double addition on the same items, income under the business and profession was taxed only due to reporting mismatch. The prayer of the ld. Counsel for the assessee is that matter should be remitted back to the file to verify the same.

5. The Ld. D. R supports the impugned order.

6. We have perused the order of Ld. CIT(A) and find that the assessee has furnished the particulars of income and amount in its return of income which is as follows:

Particulars	Amount in Rs.
Income from Salaries	24,38,750/-
Income from Salaries	33,00,000/-
Dividend income	1,482

Interest Income	1,53,494
Commission income	3
Total	58,93,729/-

7. The contentions of the assessee is that there has been double addition of the same items. We find that the assessee had earned income from salary, interest, commission and dividend only and there was no income from the business and profession for the year under consideration as the chart reveals as stated above. It further reveals that it was an error as claimed by the assessee. The Ld. CIT(A) has also held in its order that the same should have been rectified by filing revised return but the time barred for final return of income and only option available for the assessee to rectify the mistake is to file condonation for delay application to the CBDT u/s 119(2)(b) of the Act and to file the revised return to rectify the mistake.

8. Going over the record and finding of the Ld. CIT(A), we are inclined to restore the case of the assessee before the AO to verify the same and if the contentions of the assessee found to be correct afresh order should be passed. The order passed by the AO confirmed by the CIT(A) is hereby set aside.

In the result, the appeal filed by the assessee is allowed for statistical purposes.

Order is pronounced in the open court on 30th January, 2025

Sd/-

Sd/-

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

(Pradip Kumar Choubey /प्रदीप कुमार चौबे)
Judicial Member/न्यायिक सदस्य

Dated: 30th January, 2025

SM, Sr. PS

Copy of the order forwarded to:

1. Appellant- Manas Rawat, CB 54, Salt Lake, Kolkata-700064
2. Respondent – ITO, Ward-50(1), Kolkata
3. Ld. CIT(A)-Addl/JCIT(A)-4, Chennai
4. Ld. Pr. CIT- , Kolkata
5. DR, Kolkata Benches, Kolkata (sent through e-mail)

True Copy

By Order

Assistant Registrar
ITAT, Kolkata Benches, Kolkata