

**IN THE INCOME TAX APPELLATE TRIBUNAL  
MUMBAI BENCH "E" MUMBAI**

**BEFORE SHRI OM PRAKASH KANT (ACCOUNTANT MEMBER)  
AND  
SHRI RAHUL CHAUDHARY (JUDICIAL MEMBER)**

**ITA No. 5988/MUM/2024  
Assessment Year: 2013-14**

Kesar Terminals and  
Infrastructure Ltd.,  
Oriental House, 7, Jamshedji  
Tata Road, Churchgate,  
Mumbai-400020.  
**PAN NO. AADCK 2945 C**  
**Appellant**

**Vs.** Assessment Unit, National Faceless  
Assessment Centre, [Dy. CIT-1(2)(1)],  
Aayakar Bhavan,  
Maharishi Karve Road,  
Mumbai-400020.  
**Respondent**

Assessee by : Mr. Karan Jain a/w  
Mr. Surat Singh D.  
Revenue by : Mr. Hemanshu Joshi, Sr. DR

Date of Hearing : 17/02/2025  
Date of pronouncement : 18/02/2025

**ORDER**

**PER OM PRAKASH KANT, AM**

This appeal by the assessee is directed against order dated 26.09.2024 passed by the Ld. Commissioner of Income-tax (Appeals) – National Faceless Appeal Centre, Delhi [in short 'the Ld. CIT(A)'] for assessment year 2013-14, raising following grounds:



**GROUND NO. 1: RE-ASSESSMENT NOTICE U/S. 148, RE-ASSESSMENT PROCEEDINGS AND CONSEQUENTIAL RE-ASSESSMENT ORDER IS BAD IN LAW:**

*1.1 On the facts and in the circumstances of the case and in law, the Id. CIT(A) erred in upholding the action of Id. AO in reopening the assessment u/s. 147 of the Act.*

*1.2 The Appellant prays that the notice u/s. 148 of the Act, re-assessment proceedings and the consequent order be quashed.*

**2. GROUND NO. 2: DISALLOWANCE OF CLAIM OF DEDUCTION U/S. 80-IA OF THE ACT AMOUNTING TO RS. 3,13,06,552/-:**

*2.1 On the facts and in circumstances of the case and in law, the Id. CIT(A) erred in upholding the action of Id. AO in disallowing the deduction of Rs. 3,13,06,552/- claimed by the Appellant u/s. 80-IA of the Act.*

*2.2 The Appellant prays that the disallowance of deduction of Rs. 3,13,06,552/- claimed u/s. 80-IA of the Act be deleted.*

**3. GROUND NO. 3: LEVY OF INTEREST OF RS. 34,47,118/- U/S. 234B AND RS. 6,20,921/- U/S. 234C OF THE ACT:**

*3.1 On the facts and circumstances of the case and in law, the Id. AO erred in levying interest u/s. 234B and 234C of the Act, amounting to Rs. 34,47,118/- and Rs. 6,20,921/- respectively.*

*3.2 The Appellant prays that the Id. AO be directed to delete/appropriately reduce the levy of interest u/s. 234B and 234C of the Act.*

2. At the outset, the Ld. counsel for the assessee submitted a written request for withdrawing the captioned appeal in view of writ filed before the Hon'ble Jurisdictional Bombay High Court challenging notice u/s 148 of the income-tax Act, 1961 (in short the Act) allowed in favour of the assessee. In view of request of the



assessee seeking withdrawal of the appeal, the appeal is dismissed as infructuous.

3. In the result, the appeal of the assessee is dismissed.

**Order pronounced in the open Court on 18/02/2025.**

**Sd/-  
(RAHUL CHAUDHARY)  
JUDICIAL MEMBER**

**Sd/-  
(OM PRAKASH KANT)  
ACCOUNTANT MEMBER**

Mumbai;  
Dated: 18/02/2025  
Rahul Sharma, Sr. P.S.

**Copy of the Order forwarded to :**

1. The Appellant
2. The Respondent.
3. CIT
4. DR, ITAT, Mumbai
5. Guard file.

//True Copy//

BY ORDER,  
(Assistant Registrar)  
**ITAT, Mumbai**