

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH 'D', NEW DELHI**

**Before Sh. Satbeer Singh Godara, Judicial Member
&
Sh. S. Rifaur Rahman, Accountant Member**

ITA No. 3272/Del/2023 : Asstt. Year: 2021-22

Denagamage Proboth Mahela Desilva Jayawardene, Deloitte Haskins and Sells LLP, One International Center, Tower-3, 28 Floor, Senapati Bapat Marg, Elphinstone Road (West), Mumbai-400013	Vs	ACIT, International Taxation, Circl -2(1)(2), New Delhi-110002
(APPELLANT)		(RESPONDENT)
PAN No. APFPJ8866D		

Assessee by : Ms. Reema Grewal, CA

Revenue by : Sh. Vijay B. Basanta, CIT-DR

Date of Hearing: 06.03.2025

Date of Pronouncement: 21.03.2025

ORDER

Per Satbeer Singh Godara, Judicial Member:

This assessee's appeal for Assessment Year 2021-22 arises against the DCIT, Circle-2(1)(2), International Taxation, Delhi, assessment order dated 31.10.2023 framed in consequence to the Dispute Resolution Panel ("DRP")-1, New Delhi directions dated 18.09.2023, in proceedings u/s 143(3) r.w.s. 144C(13) of the Income Tax Act, 1961 (in short "the Act").

2. Heard both the parties at length. Case file perused.

3. This assessee's appeal raises the following substantive grounds:

"1. Based on the facts and circumstances of the case and in law, the learned Assessing Officer (hereinafter referred to as Ld. AO), erred in computing an income of Rs. 4,55,64,966 as Income from other sources and as Gross Total Income in the computation sheet, which is not in conformity with the directions of the Dispute Resolution Panel and the assessment order.

2. Based on facts and circumstances of the case and in law, the Ld. AO, erred in short granting interest under Section 244A of the Act.

3. Based on facts and circumstances of the case and in law, the Ld. AO, erred in adjusting a refund of Rs. 100,859 which is not granted to the assessee.

4. Based on the facts and circumstances of the case and in law, the Ld. AO, erred in stating a refund of Rs. 0 as against a refund of Rs. 61,00,099 due to the assessee in the notice issued under Section 156 of the Act dated 31.10.2023."

4. Learned counsel submits at the outset that the assessee has no more wishes to press his first and fourth substantive grounds subject to a rider that the same are not treated as a precedent in any other assessment years. The Revenue's is equally fair is not processing the assessee's preceding prayer.

5. That being the case, we reject the assessee's first and fourth substantive grounds subject to all just exceptions.

6. Next comes the assessee's second and third substantive grounds claiming interest and refund; involving varying sums. Both the parties are very much *ad idem* during the course of hearing that both these issues more

requires learned Assessing Officer afresh factual verification than the tribunal substantive adjudication thereof u/s 254(1) of the Act. We accordingly remit the assessee's instant second and third substantive grounds back to the learned Assessing Officer for his afresh computation and necessary verification as per law.

7. This assessee's appeal is partly allowed for statistical purposes.

Order Pronounced in the Open Court on 21/03/2025.

Sd/-
(S. Rifaur Rahman)
Accountant Member

Sd/-
(Satbeer Singh Godara)
Judicial Member

Dated: 21/03/2025

Subodh Kumar, Sr. PS

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

ASSISTANT REGISTRAR