

**IN THE INCOME-TAX APPELLATE TRIBUNAL “C” BENCH,
MUMBAI**

**BEFORESHRI SANDEEP GOSAIN, JUDICIAL MEMBER
&
SHRI PRABHASH SHANKAR, ACCOUNTANT MEMBER**

**ITA No. 6969/MUM/2024
(A.Y. 2020-21)**

DCIT-1(2)1, Mumbai, Room No. 535, 5th Floor, Aayakar Bhavan, M.K. Road, Mumbai - 400 020, Maharashtra	v/s. बनाम	Premier Medical Corporation Private Limited, Shed No. A/1-302, Gide, Sarigam, Valsad - 396 155, Gujarat
स्थायी लेखा सं./जीआइआर सं./PAN/GIR No: AABCP6766E		
Appellant/अपीलार्थी	..	Respondent/प्रतिवादी

Appellant by :	Shri R. A. Dhyani,(CIT - DR)
Respondent by :	Shri V.G. Ginde & Shri Kumar Kale,ARs

Date of Hearing	24.02.2025
Date of Pronouncement	03.03.2025

आदेश / ORDER

PER PRABHASH SHANKAR [A.M.] :-

The present appeal arising from the appellate order dated 08.10.2024 is filed by the Revenue against the order passed by the Learned Commissioner of Income-tax (Appeals)/National Faceless Appeal Centre, Delhi [hereinafter referred to as “CIT(A)”] pertaining to assessment order passed u/s. 143(3) of the Income-tax Act, 1961 [hereinafter referred to as “Act”] dated 20.09.2022 for the Assessment Year [A.Y.] 2020-21.



2. The grounds of appeal are as under:

1. *“Whether on the facts and circumstances of the case the Ld. CIT(A) erred in giving relief to assessee on the basis of an incomplete remand report which got visible to CIT(A) due to a systemic glitch in the ITBA portal of the Income Tax Department?”*

2. *“Whether on the facts and circumstances of the case and in the interest of justice, since relief to the assessee has been given on the basis of an incomplete remand report which got visible to CIT(A) due to a systemic glitch in the ITBA portal of the Income Tax Department, the matter may be set aside to the file of the AO of to the file of the Ld. CIT(A) for fresh consideration?”*

3. In this case, the assessee company filed original and subsequent revised income tax return. The case was selected for CASS complete scrutiny under National Faceless Assessment Centre (NFAC) on the issue of Foreign Outward Remittance. The company is engaged in manufacturing of Rapid Diagnostic Test Kits. It was noted by the AO that during the year under consideration, the assessee had made huge amount of foreign remittances and the nature of the remittances made by the assessee was not explained. Despite several notices issued during assessment proceedings, it failed to submit any documentary evidence such as contract note, purchase bill, sale bill, invoices for verification of genuineness in support of such foreign remittances made. Considering no response from the assessee and failure on the part of the it to submit the basic details regarding such foreign remittances made, the nature,



correctness and genuineness of such foreign remittances made was not established and without genuineness of foreign remittances same could not be allowed, hence the claim of expense on account of foreign remittances made of Rs. 76,42,89,640.40/- was held to be incorrect and without any proof. Further, the assessee had failed to deduct TDs on such remittances made. Hence, the expenditure claimed was treated as non-genuine and the same was disallowed and added to the total income of the assessee of the year under consideration.

4. In the subsequent appeal before the Id.CIT(A), the assessee submitted various additional evidences which were forwarded to the AO calling for a remand report. It is stated that the Remand Report was submitted on 18.07.2024 after due verification of the evidences by the AO. Accordingly, the Id.CIT(A) deleted the addition made.

5. Before us, the Id.DR of the department has contented that the Id.CIT(A) has allowed relief to the assessee by relying on the remand report which was not approved by the Range head. Besides, he allowed relief only on test check basis and without examining or talking into consideration all the items comprising the said deduction. On the other hand, the Id.AR has supported the action of the appellate authority. It is stated that the assessee is hundred percent export unit. The AO had given a positive remand report in favour of the assessee.



6. We have duly considered all the relevant facts of the case and find that the Id.CIT(A) has taken into consideration the contents of the Remand report and allowed substantial relief to the assessee. However, the Revenue has taken the plea that the said report was incomplete in as much as it was not endorsed and routed through the Addl.CIT concerned, being the controlling officer of the AO. As per existing Departmental instructions, the remand report needs to be necessarily vetted by the Range Head. It is submitted that the said report due to technical glitch was uploaded on the departmental portal though it was sent to the Range Head and the Id.CIT(A) has duly considered the same in giving relief to the assessee. It is further requested to set aside the appellate authority and the matter may be sent back to the Id.CIT(A) who may be directed to obtain the remand report received through the Range head and decide the matter afresh. The Id.AR has not objected to this proposition since the assessee would not be prejudiced in any manner. Accordingly, we deem it fit to remand the issue back to the Id.CIT(A) for deciding the appeal of the assessee de novo after taking into account the duly approved remand report and after allowing due opportunity of hearing to both the sides following the principles of natural justice.



6. In the result, the appeal of the Revenue is **allowed for statistical purposes only.**

Order pronounced in the open court on **03/03/2025.**

Sd/-

SANDEEP GOSAIN

(न्यायिक सदस्य / JUDICIAL MEMBER)

Sd/-

PRABHASH SHANKAR

(लेखाकार सदस्य/ACCOUNTANT MEMBER)

Place: मुंबई/Mumbai

दिनांक /Date 03.03.2025

Lubhna Shaikh / Steno

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

1. अपीलार्थी / The Appellant
2. प्रत्यर्थी / The Respondent.
3. आयकर आयुक्त / CIT
4. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण DR, ITAT,
Mumbai
5. गार्ड फाईल / Guard file.

सत्यापित प्रति //True Copy//
आदेशानुसार/ BY ORDER,

उप/सहायक पंजीकार (Dy./Asstt. Registrar)
आयकर अपीलीय अधिकरण/ ITAT, Bench,
Mumbai.

