

IN THE INCOME TAX APPELLATE TRIBUNAL "C" BENCH KOLKATA
BEFORE SHRI GEORGE MATHAN, JUDICIAL MEMBER &
SHRI RAJESH KUMAR, ACCOUNTANT MEMBER

ITA No.1438/Kol/2024
Assessment Year: 2014-15

ACIT, Circle-30, Kolkata.	Vs.	Gouri Sankar Jain (HUF) 301, 14, Netaji Subhash Road, 3 rd floor, Kolkata- 700001. (PAN: AACHG9644L)
(Appellant)		(Respondent)

Present for:

Appellant by : Shri Somnath Ghosh, Advocate
Respondent by : Shri Sallong Yaden, Addl. CIT, DR

Date of Hearing : 22.04.2025
Date of Pronouncement : 22.04.2025

ORDER

Per Bench :

The captioned appeal by the assessee is against the order of the Ld. Commissioner of Income Tax (Appeal), NFAC, Delhi [hereinafter referred to as "the Ld. CIT(A)"] vide order no. ITBA/NFAC/S/250/2024-25/1064326676(1) dated 24.04.2024 passed u/s 250 of the Income Tax Act, 1961 (hereinafter referred to as "the Act") for AY 2014-15.

2. Shri Somnath Ghosh, Advocate represented on behalf of the assessee and Shri Sallong Yaden, Addl. CIT, DR appeared on behalf of the revenue.

3. It was submitted by the Ld. AR that the revenue's appeal is not maintainable in so far as the order passed u/s. 263 itself had been quashed by the coordinate Bench of this Tribunal in ITA No.

1662/Kol/2019 dated 25.11.2020. It was the submission that the Ld. CIT(A) has also recognized that the order u/s. 263 had been quashed and had consequently deleted the addition as made in the assessment order passed u/s. 143(3) r.w.s. 263 of the Act.

4. In reply, the ld. Sr. DR vehemently supported the order of the Assessing Officer.

5. We have considered the rival submissions. The facts in the present case clearly show that the assessment order which is the subject matter of the appeal before the Ld. CIT(A) is the consequences of an order passed u/s. 263 by the Ld. Pr. CIT-II on 15.03.2019. The said order of the Ld. Pr. CIT passed u/s. 263 was the subject matter of an appeal before the Tribunal in ITA No. 1662/Kol/2019 and the coordinate bench of this Tribunal by an order dated 25.11.2020 has quashed the order passed u/s. 263. As the very foundation of the assessment order stands quashed and as it is also noticed that the Ld. CIT(A) has followed judicial discipline and has also taken into consideration the fact that the coordinate Bench of this Tribunal has quashed the revision order passed u/s. 263 of the Act when he has allowed the appeal of the assessee and also as the revenue has not been able to dislodge the findings of the ld. CIT(A) the order of the Ld. CIT(A) stands upheld.

6. In the result, the appeal of the revenue is dismissed.

Sd/-
(Rajesh Kumar)
Accountant Member)

Sd/-
(George Mathan)
Judicial Member

Dated: 22nd April, 2025

JD, Sr. P.S.

Copy to:

1. The Appellant: ACIT, Circle-30, Kolkata.
2. The Respondent: Gouri Sankar Jain (HUF), Kolkata.
3. CIT(A), NFAC, Delhi
4. Pr. CIT- , Kolkata
5. DR, ITAT, Kolkata Bench, Kolkata
6. Guard file.

//True Copy//

By Order

Assistant Registrar
ITAT, Kolkata Benches, Kolkata