

**IN THE INCOME TAX APPELLATE TRIBUNAL, RANCHI BENCH, RANCHI**

BEFORE SHRI GEORGE MATHAN, JUDICIAL MEMBER AND  
SHRI RATNESH NANDAN SAHAY, ACCOUNTANT MEMBER

ITA No. 78/Ran/2023  
(Assessment Year-2017-18)  
(Virtual Hearing)

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| Jharkhand Urjaa Sancharan Nigam Limited,<br>SLDC Building, Ranchi-834002.<br><b>PAN No. AADCJ 3112 A</b> | Vs. | I.T.O.,<br>Ward 1(4),<br>Ranchi. |
| Appellant/ Assessee  |     | Respondent/ Revenue              |

|                           |                                 |
|---------------------------|---------------------------------|
| Assessee represented by   | Shri Shrawan Kr. Jha, Adv.      |
| Department represented by | Shri Shiv Swaroop Singh, CIT-DR |
| Date of hearing           | 22/05/2025                      |
| Date of pronouncement     | 22/05/2025                      |

**ORDER**

**PER: BENCH**

1. This appeal by the assessee is directed against the order of National Faceless Appeal Centre (NFAC), Delhi/learned Commissioner of Income Tax (Appeals), (in short, the Id. CIT(A)) dated 01/03/2023 for the A.Y. 2017-18. In this appeal, the assessee has raised following grounds of appeal:

- "1. Whether the Id CIT(A) was justified on the facts and in circumstances of the case and in law to confirm the disallowance of carried forward of loss by the Assessing Officer u/s 143(3) of the Income Tax Act, 1961 for not filing the returns u/s 139(1) of the Income Tax Act, 1961 thereby attracting the provisions of section 139(3) read with section 80 of Income tax Act, 1961 for AY 2017-18 when the returns of income was filed u/s 139(4) of the Income Tax Act, 1961 and carry forward of loss was claimed?
2. Whether the Id. CIT(A) was justified on the facts and in circumstances of the case and in law to confirm the disallowance of carried forward of loss at Rs. 1,22,04,26,668/- in terms of section 139(3) read with section 80 of Income tax Act, 1961 by the Assessing Officer while passing the order u/s 143(3) of the Income tax Act, 1961 on 21.11.2019?
3. Whether the Ld. CIT(A) was justified on the facts and in circumstances of the case and in law to hold that the assessee was correct in disallowing the claim of loss to

*be carried forward to the tune of Rs.1,22,04,26,668/- in its return of income filed u/s 139(4) of the Income tax Act, 1961 for A Y: 2017-18 on 15.03.2018 disregarding the decisions in the case laws in the cases of CIT Vs Capital Electronics( Gariahat)(2003)261 ITR 4( Cal), ITO Vs Nanak Singh Guliani (2002) 257 ITR 677(MP) and CIT Vs Bisauli Tractors (2008) 219 ITR 219( All) which were specifically raised in the grounds of appeal before the CIT(A)?*

4. *Whether the Id. CIT(A) was justified on the fact & in circumstances of the case as well as in law to not to interfere with the order of Assessing Officer to disallow the claim of carried forward of loss at Rs.1,22,04, 26,668/- in terms of section 139(3) read with section 80 of Income tax Act, 1961 which the assessee had claimed in a returns of income filed u/s 139(4) of the Income tax Act, 1961 for AY: 2017-18 which was justified taking into consideration the decision of the Hon'ble Supreme Court in the case of CIT v. Kulu Valley Transport Co. (P.) Ltd. [1970] 77 ITR 518(SC) and the decision of Calcutta High Court in the case of Presidency Medical Centre (P.) Ltd. v. CIT [1977] 108 ITR 838 (Cal) which followed the decision by the Apex Court in the case of CIT v. Kulu Valley Transport Co. (P.) Ltd. (supra)?*
  5. *The appellant craves leave to add to alter, amend, modify and /or delete any or all of the above said grounds of appeal. The appellant reserves its right to file further submissions in the appeal.*
2. Facts of the case, in brief, are that the assessee is a public limited company domiciled in India and was incorporated on 23/10/2013 under the provisions of the Companies Act, 1956. The company is engaged in transmission of electricity. The assessee company filed return of income for the A.Y. 2017-18 on 15/03/2018 declaring NIL income. Subsequently, the case was selected for scrutiny under Section 143(3) of the Income Tax Act, 1961 (in short, the Act). The Assessing Officer in the impugned assessment order dated 21/11/2019 under Section 143(3) of the Act disallowed the carry forward loss of Rs. 1,22,04,26,668/- on the ground that the return was filed for the said assessment year after due date of filing of return of income.
3. Aggrieved by the order of Assessing officer, the assessee filed appeal before the Id. CIT(A), who vide impugned order, confirmed the order of Assessing Officer.

4. Aggrieved by the order of Id. CIT(A), the present appeal has been filed by the assessee before the Tribunal. During the course of hearing, the Id. AR of the assessee admitted that since the income of the assessee company was shown as NIL, there is no question of carry forward of loss claimed by the assessee company. Thus, the appeal has become infructuous in so far as the ground of allowability of the carry forward of loss is concerned. Accordingly, we dismiss the appeal of assessee as infructuous.
5. In the result, this appeal of assessee is dismissed.

Order announced in open court on 22nd May, 2025.

Sd/-  
(GEORGE MATHAN)  
JUDICIAL MEMBER  
Ranchi, Dated: 30/05/2025

*\*Ranjan*

Copy to:

1. Assessee
2. Revenue
3. CIT
4. DR
5. Guard File

Sd/-  
(RATNESH NANDAN SAHAY)  
ACCOUNTANT MEMBER

By order

Sr. Private Secretary, ITAT, Ranchi