

IN THE INCOME TAX APPELLATE TRIBUNAL
NAGPUR "SMC" BENCH : NAGPUR

BEFORE SHRI NARENDER KUMAR CHOUDHRY, JUDICIAL MEMBER

I.T.A.No. 272 & 273/NAG/2025
(Assessment Year 2022-23 & 2023-24)

Siddhant Trust Ground Floor, Bachhraj Bhavan Bachhraj Road, Gandhi Chowk Wardha 442 001 PAN : AABAS 6130 P	vs.	ITO, Ward-2(1), Wardha.
(Appellant)		(Respondent)

For Assessee :	Ms. Shikha Loya, Ld. CA & Ms. Pranav Padia, Ld.CA (<i>Amicus Curiae</i>)
For Revenue :	Shri Surajit Kumar Saha, Ld.Sr.DR

Date of Hearing :	24.06.2025
Date of Pronouncement :	24.06.2025

ORDER

These appeals have been preferred by the assessee against the separate orders each dated 11/03/2025 impugned herein passed by the Ld. ADDL/JCIT (A), Jodhpur [in short, "Ld.Commissioner"] u/sec. 250 of the Income Tax Act, 1961 (for short, "the Act") for the Assessment Years (for short, "AY") 2022-23 & 2023-24 respectively.

2. The adjournment application filed by the assessee is declined.

3. Both the cases are interconnected being pertains to the same assessee and having involved identical issues, and therefore, for the sake of convenience and brevity, the same were heard together and are being disposed of by this composite order.

4. Admittedly, the total income of the assessee including by way of dividend is ₹ 11,62,190/- does not exceed ₹ 50,00,000/-. Therefore, according to the first schedule to the Finance Act as applicable to the instant case, no surcharge would be leviable and consequently this Court is inclined to delete the surcharge levied by the Assessing Officer @ 37% by considering the income declared by the assessee at MMR, which has been affirmed by the Ld.Commissioner by impugned order. Consequently, both the appeals under are allowed.

5. In the result, both the appeals of the Assessee are allowed.

Order pronounced in the open Court on 24.06.2025.

Sd/-
(Narender Kumar Choudhry)
Judicial Member

vr/-

Copy to

1.	The appellant
2.	The respondent
3.	The CIT(A), Nagpur concerned.
4.	D.R. ITAT, Nagpur Bench, Nagpur.
5.	Guard File.

//True Copy //

By Order

Sr. Private Secretary,
ITAT, Nagpur Bench.