

IN THE INCOME TAX APPELLATE TRIBUNAL PANAJI BENCH
PANAJI

BEFORE SHRI PAVAN KUMAR GADALE, JUDICIAL MEMBER &
SHRI G D PADMAHSHALI ACCOUNTANT MEMBER

I T A. Nos. 2/PAN/2025 & S A.2/PAN/2025

I T A. Nos. 3/PAN/2025 & S A.3/PAN/2025

(A.Y. 2010-11 & A.Y.2011-12)

Teracom Ltd, 55,1 st Floor, Ponda Commerce Center Ponda-403401, Goa.	Vs	JCIT-Range-2, AayakarBhavan, Patto, Panaji, Goa-403001.
PAN .No. AABCT5254B		
(अपीलार्थी/Appellant)		(प्रत्यर्थी/Respondent)

Assessee by	Shri.Rama Rivonkar.AR
Revenue by	Shri.Capt Pradeep Arya.DR

सुनवाई की तारीख/Date of Hearing	02.07.2025
घोषणा की तारीख/Date of Pronouncement	03.07.2025

ORDER

PER PAVAN KUMAR GADALE, JM:

These two appeals are filed by the assessee against the separate orders of the NFAC Delhi/CIT(A) passed u/sec 143(3) and u/sec 250 of the Act.

2. Since the issues involved in these appeals are common and similar, hence they are clubbed, heard and a consolidated order is passed. For the sake of convenience, we shall take up ITA No.2/PAN/2025, A.Y 2010-11 as lead case and facts narrated. The assessee has raised the grounds of appeal challenging the order of the CIT(A)

partially sustaining the additions made by the Assessing Officer.

3. The brief facts of the case are that, the assessee company is engaged in the business of manufacture & trade of optical fibre cable & accessories, insulated wires, power cables and telecom instruments. The assessee has filed the return of income for A.Y.2010-11 on 27-09-2010 disclosing a total income of Rs.3,53,49,819/-. Subsequently the assessee has filed revised return of income due to amalgamation of scantec india Pvt Ltd disclosing a total income of Rs.4,15,17,397/- and the book profits computed u/sec115JB of the Act of Rs.29,75,25,833/-. The case was selected for scrutiny under CASS and the Assessing Officer (AO) has issued notice u/sec143(2) and u/sec 142(1) of the Act along with questionnaire calling for details in respect of claims and the information supporting the return of income filed. In compliance the Ld.AR of the assessee has appeared from time to time and submitted the details. Whereas the A.O was not satisfied with the explanations and details and made additions (i) Provision for bad debts and additional depreciation on revaluation of assets in computing book profits u/sec115JB of the Act(ii)disallowance u/sec14A of the Act (iii)excess claim of deduction u/sec80IC of the Act and (iv) foreign exchange on cancellation of contracts and interest income. Finally the assessing officer recomputed the deduction u/sec80IC and with other disallowances

assessed the total income of Rs.15,75,98,504/- and passed the order u/sec 143(3) of the Act dated 18.03.2013.

4. Aggrieved by the order, the assessee has filed an appeal before the CIT(A), whereas the CIT(A) has considered the grounds of appeal, statement of facts and findings of the AO and granted partial relief and partly allowed the assessee appeal. Aggrieved by the order of the CIT(A), the assessee has filed an appeal before the Hon'ble Tribunal.

5. At the time of hearing, the Ld.AR submitted that the CIT(A) has erred in partly confirming the action of the Assessing officer overlooking the information of the assessment proceedings. The Ld.AR mentioned that the CIT(A) has not dealt on the details and evidences filed to substantiate the claims and prayed for allowing the appeal Contra, the Ld.DR supported the order of the CIT(A).

6. We heard the rival submissions and perused the material on record. The sole crux of the disputed issues envisaged by the Ld.AR that the CIT(A) has erred in sustaining the additions without providing proper opportunity and overlooking the facts and material evidences. The assessee has filed all the details before the lower authorities and the CIT(A) has not considered the facts and information supporting the claims of the assessee. Prima-facie the CIT(A) has dealt on the findings of the AO and has not considered the submissions of the

assessee and has not allowed the grounds of appeal. Therefore, we considering the overall facts, circumstances and principles of natural justice shall provide with one more opportunity of hearing and accordingly restore the disputed issues to the file of the CIT(A) for afresh adjudication on merits and the CIT(A) shall provide adequate opportunity of being heard to the assessee and the assessee should also cooperate in submitting the information for early disposal of the appeal and the grounds of appeal of the assessee are allowed for statistical purpose.

7. ITA No.3/PAN/2025.A.Y.2011-12.

As the facts and circumstances in this appeal is similar to ITA No.2/PAN/2025 for the A.Y 2010-11 (except variance in figures). Hence the decision rendered in above paragraph would apply mutatis mutandis for this appeal also. Accordingly, we allow the grounds of appeal of the assessee for statistical purposes.

8. In the result, the Stay applications filed by the assessee are infactious and are dismissed, and the appeals filed by the assessee are allowed for statistical purposes.

Order pronounced in the open court on 03.07.2025.

Sd/-
(GD PADMAHSHALI)
ACCOUNTANT MEMBER

Sd/-
(PAVAN KUMAR GADALE)
JUDICIAL MEMBER

Panaji Dated: 03/07/2025

Copy of the Order forwarded to:

1. The Appellant,
2. The Respondent
3. The CIT(A)-
4. CIT
5. DR, ITAT,
6. Guard file.

//True Copy//

BY ORDER,
(Asstt. Registrar)ITAT,
Panaji

		Date	<u>Initial</u>	
1.	Draft dictated on			PS
2.	Draft placed before author			PS
3.	Draft proposed & placed before the second member			PS
4.	Draft discussed/approved by Second Member.			PS
5.	Approved Draft comes to the Sr.PS/PS			PS
6.	Kept for pronouncement on			
7.	File sent to the Bench Clerk			
8.	Date on which file goes to the AR			
9.	Date on which file goes to the Head Clerk.			
10.	Date of dispatch of Order.			
11.	Dictation Pad is enclosed			