

**IN THE INCOME TAX APPELLATE TRIBUNAL
COCHIN BENCH****BEFORE SHRI INTURI RAMA RAO, AM
AND SHRI PRAKASH CHAND YADAV, JM****ITA No. 73/Coch/2025
Assessment Year: 2017-18**

Kerala State Warehousing Corporation Appellant
MG Road, Ernakulam,
Kerala-682016.
PAN: AABCK1583G

vs.

Deputy Commissioner of Income Tax, Respondent
Corporate Circle-1(1),
Central Revenue Building,
IS Press Road, Kacheripady,
Ernakulam,
Kerala – 682018.

Appellant by: Sri Harikrishnanunny, CA
Respondent by: Smt. Leena Lal, Sr. D.R.

Date of Hearing: 28.05.2025
Date of Pronouncement: 26.06.2025

ORDER**Per: Inturi Rama Rao, AM**

This appeal filed by the assessee is directed against the order of the Learned Addl / Joint Commissioner of Income Tax (Appals)-4, Chennai (in short "CIT(A)"), dated 26/11/2024 for the Assessment Year (AY) 2017-18.

2. Briefly the facts of the case are that the appellant is a Government of Kerala Undertaking engaged in the business of warehousing and other allied activities. The Return of Income for the AY 2017-18 was filed on 20/10/2017 declaring a loss. Subsequently, the same was revised on 19/12/2018 at a loss of Rs.57,31,304/-. Against the said return of income, the assessment was completed by the AO vide the order dated 27/12/2019 passed U/s. 143(3) of the Income Tax Act, 1961 (in short "the Act") at a total income of Rs. 1,71,32,845/- before set off of the brought forward losses for the AYs 2014-15, 2015-16 and 2016-17. While doing so, the AO refused to take the cognizance of revised computation of income, audit report and placing reliance on the decision of the Hon'ble Supreme Court in the case of Goetze (India) Ltd vs. CIT (284 ITR 323) for the purpose of computation of total income.

2. Being aggrieved by the above order of the AO, an appeal was filed before the CIT(A), who vide the impugned order confirmed the action of the AO by holding that in view of the decision of the Hon'ble Supreme Court in the case of Goetze (India) Ltd vs. CIT (supra) an assessee cannot amend a return of income filed by him.

3. Being aggrieved the appellant is in appeal before us in the present appeal.

4. It is submitted that the CIT(A) had grossly fell in error in confirming the action of the AO by non-adoption of the audited financial statement, tax

audit report and revised statement of total income etc. It was also submitted that the Hon'ble Supreme Court in the case of Goetze (India) Ltd vs. CIT (supra) has no application to the facts of the present case. Further, it was submitted that the CIT(A) ought to have considered that the issue involved in the present appeal is covered in favour of the assessee in view of the decision of the Hon'ble jurisdictional High Court in the case of Kerala Shipping and Inland Navigation Corporation Ltd (ITA No. 782/Coch/2013).

5. On the other hand, the Ld. Sr. DR placed reliance on the decision of the Hon'ble jurisdictional High Court in the case of CIT vs. Kerala State Construction Corporation Ltd [2019] 267 Taxman 256 (Kerala) and submitted that there is no interference is called for by the Tribunal.

6. We heard the rival submissions and perused the material available on record. The Hon'ble High Court of Gujarat in the case of CIT vs. Mitesh Impex has held that *the decision of the Supreme Court in the case of Goetze (India) Ltd. vs. Commissioner of Income-tax (supra) is confined to the powers of the assessing officer and accepting a claim without revised return and it does not affect the powers of CIT(A) or Tribunal to entertain a new ground or a legal contention.* In view of this decision of the Hon'ble Gujarat High Court in the case of CIT vs Mitesh Impex (supra), we remit the matter back to the file of the AO to consider the revised computation of total income and revised audit report while framing the assessment order.

7. In the result, appeal filed by the assessee is partly allowed.

Order pronounced in the open court on 26th June, 2025.

Sd/-
(PRAKASH CHAND YADAV)
JUDICIAL MEMBER

Sd/-
(INTURI RAMA RAO)
ACCOUNTANT MEMBER

Cochin, Dated: 26th June, 2025

okk sps

Copy to:

1. The Appellant
2. The Respondent
3. The Pr. CIT concerned
4. The Sr. DR, ITAT, Cochin
5. Guard File

Assistant Registrar
ITAT, Cochin