

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI “H” BENCH: NEW DELHI**

**BEFORE PRAKASH CHAND YADAV, JUDICIAL MEMBER &
SHRI MANISH AGARWAL, ACCOUNTANT MEMBER**

**ITA No.4515/Del/2024
[Assessment Year : 2020-21]**

Fare Portal India Pvt.Ltd., 2 nd Floor, Vipul Tech Square, Gold Course Road, DLF Phase 5, Sector-43, Gurugram, Haryana-122002. PAN-AAACF8769L	vs	Assessment Unit, National Faceless Assessment Centre, Delhi
APPELLANT		RESPONDENT
Appellant by	Shri Yash Varmani, Adv. & Shri Utkarsh Mittal, Adv.	
Respondent by	Shri S.K.Jadhav, CIT DR	
Date of Hearing	24.07.2025	
Date of Pronouncement	25.07.2025	

ORDER

PER MANISH AGARWAL, AM :

The present appeal is filed by the assessee against the assessment order dated 29.07.2024 passed by AO u/s 143(3) r.w.s. 144C(13) r.w.s. 144B of the Income Tax Act, 1961 [“the Act”] giving effect to the directions of Ld.DRP in its order dated 25.06.2024 pertaining to assessment year 2020-21.

2. At the outset, during the course of hearing, Ld.AR for the assessee brought to our notice that the assessee has entered into APA and accordingly, with the issues relating to transfer pricing adjustment in **Ground Nos. 2 to 2.5** are not pressed and accordingly, the same are hereby, dismissed.

3. **Ground No.1 to 1.3** are general in nature thus, are not adjudicated.

4. The only effective **Ground No.3** relating to corporate tax issues which are decided as under:-

5. **Ground No.3.1** is general in nature hence, not adjudicated.

6. **Ground Nos.3.2, 3.4, 3.5, 3.6 and 3.7** are in relation to the computation of income in the final assessment order wherein AO has taken the figure at INR 58,29,98,519/- with the description "income as per section 143(1) of the Act". As per Ld.AR, the intimation order passed u/s 143(1) was rectified and finally, in the rectification order passed u/s 154 of the Act dated 30.01.2024, the total income of the assessee stood computed at INR 53,16,66,580/-. Therefore, the amount taken at INR 58,29,98,519/- as per section 143(1) deserves to be amended. He prayed accordingly.

7. On the other hand, Id.CIT DR for the Revenue submits that it is a factual aspect which may be decided according to the law.

8. Heard the contentions of both the parties and perused the material available on record. It is seen that the intimation order u/s 143(1) was rectified u/s 154 vide order dated 30.01.2024 according to which the total income of the assessee was reached to INR 53,16,66,580/- as against the income declared at INR 52,04,08,740/-. The said income is computed after rectification done on the request of the assessee. Therefore, while computing the

final taxable income of the assessee, the AO is directed to replace this income as against the income of INR 58,29,98,519/- taken in the final assessment order. Accordingly, the captioned grounds of appeal are allowed.

9. In **Ground No.3.3**, the assessee has stated that the AO/CPC has wrongly disallowed INR 94,88,237/- u/s 43B of the Act towards provision of leave encashment.

10. Before us, Ld.AR for the assessee submits that during the year, the assessee has paid total amount of leave encashment of INR 1,43,65,258/- which has been reported in Item No.26(i)(A)(a) of the Tax Audit Report available at page 123 of the Paper Book filed by the assessee. Ld.AR further submits that out of the said amount, a sum of INR 94,88,237/- was certified by the Tax Auditor as paid on or before due date of furnishing of return of income and therefore, the balance amount of INR 48,77,021/- is allowable u/s 43B of the Act being paid during the year. Ld.AR also drew our attention to page 34 of the Paper Book which is the copy of return filed wherein in Item No.10(f) under the title “amount disallowed u/s 43B of the Act in any preceding previous year but allowable during the previous year”, a sum of INR 48,77,017/- was claimed as expenses being paid on account of leave encashment. He thus, prayed that the same deserves to be allowed as expenditure u/s 43B of the Act.

11. On the other hand, Ld.CIT DR for the Revenue stated that the matter may be sent to the file of AO for necessary verification.

12. Heard the contentions of both the parties and perused the material available on record. From the perusal of the Tax Audit Report filed by the assessee and the rectification order u/s 154 dated 30.01.2024 available before us, it is seen that in the rectification order, a sum of INR 94,88,237/- is disallowed u/s 43B of the Act by the CPC however, as per Tax Audit Report, the assessee has paid a sum of INR 48,77,017/- on or before the due date of filing of return of income which has to be allowed u/s 43B of the Act. Accordingly, we direct the AO to verify these facts and allow the claim of the assessee in accordance with law. Hence, Ground No.3.3 raised by the assessee is allowed for statistical purposes.

13. In the result, appeal of the assessee is partly allowed.

Order pronounced in the open Court on 25.07.2025.

Sd/-

**(PRAKASH CHAND YADAV)
JUDICIAL MEMBER**

Sd/-

**(MANISH AGARWAL)
ACCOUNTANT MEMBER**

Amit Kumar, Sr.P.S

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT
6. Guard File

ASSISTANT REGISTRAR
ITAT, NEW DELHI