

आयकर अपीलीय अधिकरण, 'बी' न्यायपीठ, चेन्नई।
IN THE INCOME TAX APPELLATE TRIBUNAL
'B' BENCH: CHENNAI

श्री मनु कुमार गिरि, न्यायिक सदस्य एवं श्री जगदीश, लेखक सदस्य के समक्ष
BEFORE SHRI MANU KUMAR GIRI, JUDICIAL MEMBER AND
SHRI JAGADISH, ACCOUNTANT MEMBER

आयकर अपील सं./ITA No.3210/Chny/2024
निर्धारण वर्ष /Assessment Year: 2022-23

Kamla,
Shop No.2, Additional Mandi,
Sirsa, Haryana – 125 055.
[PAN: ARUPD 2844G]

Vs. The Income Tax Officer,
NWR-W-(57)(95),
Chennai.

(अपीलार्थी/**Appellant**)

(प्रत्यर्थी/**Respondent**)

अपीलार्थी की ओर से/ Appellant by
प्रत्यर्थी की ओर से /Respondent by

: None
: Ms. Gouthami Manivasagam, JCIT

सुनवाई की तारीख/Date of Hearing

: 09.07.2025

घोषणा की तारीख /Date of Pronouncement

: 11.08.2025

आदेश / ORDER

PER JAGADISH, A.M :

Aforesaid appeal filed by the assessee for Assessment Year (AY) 2022-23 arises out of the order of Learned Commissioner of Income Tax, Appeal, Addl/JCIT(A)-5, Chennai [hereinafter "Addl. CIT(A)"] dated 17.10.2024 in the matter of intimation u/s. 143(1) issued by the Centralized Processing Center, Bengaluru (CPC) dated 17.02.2023.

:- 2 -:

2. The CPC, in the intimation issued u/s. 154/143(1) of the Act, has allowed the credit of TDS credit of Rs. 9,654/- as against the claim of Rs.60,250/-. Aggrieved by the same, the assessee preferred an appeal before the Ld. Addl. CIT(A). However, the Ld. Addl. CIT(A) dismissed the appeal, observing that the transactions undertaken by the assessee during the year are in the nature of trade and not in the nature of a commission agent , therefore, CPC has correctly made the adjustment by invoking the provisions of Rule 37BA.

3. The assessee in the ground of appeal has stated that the CPC has denied the claim of credit of TDS, in the order passed u/s.154 r.w.s 143(1) of the Act without providing any opportunity or giving reasons. The assessee has further stated that the assessee is a commission agent and eligible for the TDS claim, as the TDS has been deducted from its receipts.

4. On the other hand, the Ld. Departmental Representative (DR) relied on the orders of the lower authorities.

:- 3 -:

5. We have heard the case with the help of Ld. DR and perused the materials available on record. The assessee, in the return of income, has claimed TDS of Rs. 60,250/-, but CPC has allowed credit of only Rs. 9,654/-. The CPC has not given reasons for not granting full credit of TDS. The Ld. Addl. CIT(A) has confirmed the denial of credit, stating that the assessee is only a commission agent, and the ITR does not support that the trade debtors' balance corresponds to the sales turnover. It was also observed that the TDS should have been deducted u/s. 194I and not u/s. 194Q. We do not agree with the Ld. Addl. CIT(A) in confirming the action of CPC in the order u/s. 154/143(1) of the Act denying the credit of TDS deducted from the assessee's account. As the TDS has been deducted and paid from assessee's receipt, and the same is reflected in its account, the assessee is eligible to claim the TDS credit. Accordingly, we direct the A.O to verify the claim of TDS and allow the same in accordance with law. In view of the above, the appeal filed by the assessee is allowed for statistical purposes only.

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6. In the result, the appeal filed by the assessee is allowed for statistical purposes.

Order pronounced on 11th day of August, 2025 at Chennai.

Sd/-
(मनु कुमार गिरि)
(Manu Kumar Giri)
न्यायिक सदस्य / **Judicial Member**

Sd/-
(जगदीश)
(Jagadish)
लेखा सदस्य / **Accountant Member**

चेन्नई/Chennai, दिनांक/Dated: 11th August, 2025.

EDN/-

आदेश की प्रतिलिपि अग्रेषित/**Copy to:**

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकर आयुक्त/CIT, Chennai
4. विभागीय प्रतिनिधि/DR
5. गार्ड फाईल/GF