

आयकर अपीलीय अधिकरण, 'सी' न्यायपीठ, चेन्नई।  
IN THE INCOME TAX APPELLATE TRIBUNAL  
'C' 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.63/Chny/2025  
निर्धारण वर्ष /Assessment Year: 2020-21

Hyundai Steel India Pvt. Ltd.,  
No.49, Sengadu Village,  
Kanchipuram – 602 002.  
[PAN: AABCH 7074D]

**Vs.** The Dy. Commissioner of  
Income Tax,  
Corporate Circle-1(1),  
Chennai.

(अपीलार्थी/**Appellant**)

(प्रत्यर्थी/**Respondent**)

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

: Shri S. Sridhar, Advocate  
: Ms. R. Anitha, Addl. CIT

सुनवाई की तारीख/Date of Hearing

: 20.08.2025

घोषणा की तारीख /Date of Pronouncement

: 22.08.2025

**आदेश / ORDER**

**PER JAGADISH, A.M :**

Aforesaid appeal filed by the assessee for Assessment Year (AY) 2020-21 arises out of the order of Learned Commissioner of Income Tax (NFAC), Delhi [hereinafter "CIT(A)"] dated 19.11.2024 in the matter of assessment framed by Ld. Assessing Officer [AO] u/s. 143(3) r.w.s 144B of the Income-tax Act, 1961 (hereinafter "the Act") dated 27.09.2023.

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2. The assessee is a private limited company engaged in the business of processing, trading and supplying all types of automotive steel grades in the form of steel coils, processed sheets and skelps. The assessee-company has filed its return of income on 29.01.2021 declaring a total income of Rs. 35,72,62,570/- opting for taxation u/s 115BAA of the Act. The CPC has processed the return u/s 143(1) of the Act, computing the tax at the rate of 30% as against 22% computed by assessee u/s 115BAA of the Act. The assessee filed rectification petition on 06.05.2021, which was rejected vide order dated 22.03.2022 passed u/s. 154/143(1) of the Act, on the ground that the assessee had not filed Form-10IC within the stipulated due date. Aggrieved, the assessee has preferred an appeal before the Ld. CIT(A), which is still pending. Meanwhile, the case was selected for scrutiny and the A.O passed an order u/s. 143(3) of the Act accepting the return of income of Rs.35,72,62,570/-. However, in the computation, the A.O once again computed tax at the rate 30% instead of 22%. The Assessee preferred appeal before Ld CIT(A), who dismissed the appeal affirming the computation of tax at the rate of 30% as Form 10IC was not filled within the prescribed date.

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3. The Ld. Authorized Representative (A.R.) has submitted that the assessee has filed return of income within the due date prescribed u/s. 139(1) of the Act and has also filled Form-10IC on 05.10.2022, though belatedly. It was further submitted that the assessee had opted for the concessional tax u/s. 115BAA of the Act in the ITR-6 filed within the prescribed date u/s 139(1). The Ld. A.R has submitted that the Ld CIT(A) has not considered the judgment of the Hon'ble Jurisdictional High Court in the case of *Axe BPO Services Pvt. Ltd. vs. Director (ITA-1)* in W.P. No. 3425 of 2024 and W.M.P. No. 3688 of 2024, dated 13.11.2024, wherein similar issue has been adjudicated.

4. On the other hand, the Ld. Departmental Representative (D.R.) relied upon the orders of the lower authorities and submitted that the A.O has not made any addition in the assessment order u/s. 143(3) of the Act, and the tax liability has been determined in accordance with the intimation u/s. 143(1) of the Act. It was therefore argued that the ground raised by the assessee deserves to be dismissed as the A.O has only taken the income and tax computation determined in intimation u/s 143(1) of the Act.

5. We have heard the rival submissions and perused the material available on record. The assessee-company has filed its return of

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income on 29.01.2021 within the time allowed u/s.139(1) of the Act opting for taxation u/s. 115BAA of the Act. However, the assessee has filled Form-10IC only on 05.10.2022 beyond the prescribed due date 30.06.2022. The CPC while processing the return u/s 143(1) of the Act has computed the tax at the rate of 30% ignoring the option given in the return u/s 115BAA for tax rate of 22%. The assessee has filled rectification petition which has been rejected by the CPC. The assessee has filled appeal against the said order u/s. 143(1)/154, which is still pending before the Ld. CIT(A). We find that the present appeal pertains to the scrutiny assessment u/s. 143(3) of the Act, where the returned income has been accepted and tax has been computed as per order u/s 143(1)/154 of the Act, appeal against which is pending before Ld. CIT(A) .The Ld. A.R has placed reliance on the decision of the Hon'ble Madras High Court in the case of *Axe BPO Services Pvt. Ltd. vs. Director (ITA-1)* (supra), which has not been considered by the Ld. CIT(A) in the appeal decided against the order passed u/s 143(3) of the Act. In view of above facts, we deem it fit to remit the matter back to the file of the Ld. CIT(A) with a direction to adjudicate the issue afresh along with the appeal pending against the same issue in order u/s 154/143(1) of the Act, after considering the

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judgment of the Hon'ble Jurisdictional High Court (supra) and after affording reasonable opportunity of being heard to the assessee.

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

*Order pronounced on 22<sup>nd</sup> 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: 22<sup>nd</sup> 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