

**IN THE INCOME TAX APPELLATE TRIBUNAL
JABALPUR BENCH "DB", JABALPUR**

**BEFORE SHRI KUL BHARAT, VICE PRESIDENT AND
SHRI ANADEE NATH MISSHRA, ACCOUNTANT MEMBER**

I.T.A. No.198/JAB/2024
Assessment year: 2019-20

Sanjay Budhrani HUF 2-3, Satkar Bhawan, Near Clock tower, Badi Omti, Madhya Pradesh-482002. PAN:AADHB1660A (Appellant)	Vs.	ACIT, Circle-2(1) Ayakar Bhawan, Annexe Building, Madhya Pradesh-482001. (Respondent)
---	-----	--

Appellant by	Shri Ayush Garg, CA
Respondent by	Shri Rahul Padha, JC-2

ORDER

PER ANADEE NATH MISSHRA: A.M.

(A) This appeal vide I.T.A. No.198/JBP/2024 has been filed by the assessee for assessment year 2019-20 against impugned appellate order dated 29.11.2024 (DIN & Order No.ITBA/APL/S/250/2024-25/1070761446(1) of Ld. Addl/JCIT Commissioner of Income Tax (Appeals), the First Appellate Authority. The grounds of appeal are as under:

"1. That, the learned CIT(A) grossly erred, both on facts and in law, in dismissing the appeal of the appellant ex-parte without providing an effective opportunity of being heard to the appellant.

2. That, the learned CIT(A) grossly erred, both on facts and in law, in confirming the action of the Id. DCIT, CPC, Bangalore in granting a credit of TDS claim to the tune of Rs.34,84,665/- only, as against the same claimed by the appellant at Rs.40,46,413/- in its return of income furnished for the relevant assessment year, thereby giving a short credit of TDS at Rs. 5,61,748/-.

3. That, the learned CIT(A) grossly erred, both on facts and in law, in confirming the action of the Id. DCIT, CPC, Bangalore in granting the credit for TDS claim only to the extent of Rs. 34,84,665/-/- as against the claim of Rs. 40,46,413/- made by the appellant in its return of income, without considering

the material fact that the entire claim of TDS so made by the appellant is duly getting reflected in the Form 26AS of the appellant for the relevant assessment year.

4. That, the learned CIT(A) grossly erred, both on facts and in law, in confirming the action of the Id. DCIT, CPC, Bangalore in granting short credit of Rs. 5,61,748/- of TDS claim merely for mismatch between the receipts as appearing in Form 26AS and the receipts shown by appellant in its Profit and Loss Account without considering and appreciating material fact that there was no difference in receipts as per Form 26AS and as per Profit and Loss Account and the entire mismatch pertains to reimbursement of certain expenses on which TDS got deducted and the specific expenses have been shown by the appellant net of such reimbursements in the Audited Profit and Loss Account.

5. That, the appellant further craves leave to add, alter or amend the foregoing ground of appeal as and when considered necessary."

(B) The facts of the case, in brief, are that the assessee is engaged in the business of Carrying and Forwarding Agent under two Proprietorship Concerns namely M/s. Pharma Logistics Company and M/s. Pharma Logistics, Mumbai. The CPC processed the return filed by the assessee and in the intimation issued u/s 143(1) of the Act, wherein the returned income was accepted, however, TDS credit of Rs.34,84,665/- was granted as against the claimed tax credit of Rs.40,46,413/-. Being aggrieved, the assessee filed appeal in the office of learned CIT(A). Vide impugned appellate order dated 29.11.2024, the assessee's appeal was dismissed by the learned CIT(A). Now the assessee is in appeal before the Income Tax Appellate Tribunal (ITAT) against the aforesaid impugned appellate order dated 29.11.2024 passed by learned CIT(A).

(C) At the time of hearing before us, the Ld. Authorized Representative for assessee submitted that the assessee was denied credit for tax deducted at source without giving due consideration of the materials available on record, including Form 26AS. He also submitted that the Ld. CIT(A) passed an *ex parte* order dismissing the appeal of the assessee without providing reasonable opportunity to the assessee. He further submitted that the issue in dispute regarding grant of credit for tax deducted at source should be

restored back to the file of the AO, with the direction to give due credit for tax deducted at source on the basis of relevant materials such as Form 26AS etc. The Ld. Departmental Representative for Revenue expressed no objection to this. In view of the foregoing, the issue in dispute in the grounds of appeal regarding credit given to the assessee for tax deducted at source is restored back to the file of the AO, with the direction to give credit for tax deducted at source. All grounds of appeal are treated as disposed of in accordance with our aforesaid direction.

(D) In the result, the appeal of the assessee is partly allowed for statistical purposes.

(Order pronounced in the open court on 13/02/2026)

Sd/-
[KUL BHARAT]
VICE PRESIDENT

Sd/-
[ANADEE NATH MISSHRA]
ACCOUNTANT MEMBER

Dated: 13/02/2026
Vijay Pal Singh (Sr. PS)

Copy of the order forwarded to :

1. The Appellant
2. The Respondent.
3. Concerned CIT
4. D.R., I.T.A.T., Jabalpur