

IN THE INCOME TAX APPELLATE TRIBUNAL PANAJI BENCH
PANAJI

BEFORE SHRI PAVAN KUMAR GADALE, JUDICIAL MEMBER &
SHRI G D PADMAHSHALI ACCOUNTANT MEMBER

I T A. No.83/PAN/2024
(A.Y.2021-22)

V M Salgaocar and Brother Private Limited, P.B.No.14, Salgaocar House, Dr.F.L.Gomes Road, Vasco De Gama, Goa-403802,	Vs .	CPC, Bengaluru-560500. Karnataka
PAN .No.AAACV5950B		
(अपीलार्थी/Appellant)		(प्रत्यर्थी/Respondent)

Assessee by	Shri.Ketan Ved.AR
Revenue by	Ms.Manju Thakur.Sr.DR

सुनवाई की तारीख/Date of Hearing	21.01.2026
घोषणा की तारीख/Date of Pronouncement	12.02.2026

ORDER

PER PAVAN KUMAR GADALE, JM:

The appeal is filed by the assessee against the order of ADDL/JCIT(A)-2 Coimbatore passed u/sec143(1) and U/sec 250 of the Act. The assessee has raised the grounds of appeal challenging the order of the CIT(A) not allowing consequential deduction of amortised amount of stamp duty and registration charges.

2. The brief facts of the case are that, the assessee company has filed the return of income for A.Y.2021-22 on 11.03.2022 disclosing a total income of

Rs.1,27,81,32,878/- under the normal provisions of the Act and Rs.1,88,65,06,407/- under the MAT. Subsequently the return of income was processed u/sec 143(1) of the Act with the disallowances and determined the total income of Rs.1,36,33,27,360/-vide order dated 13.11.2022.The assessee has filed the rectification petition u/sec154 of the Act against the order u/sec143(1) of the Act and the petition was disposed off rectifying the mistakes but sustained certain disallowances and the total income was determined at Rs.1,27,84,68,190/- vide order dated 15.03.2022. Subsequently the assessee has filed the appeal with the CIT(A) against the order u/sec143(1) of the Act on the adjustments not rectified/ sustained.

3. In the Appellate proceedings, the CIT(A) has considered the grounds of appeal, statement of facts, submissions and findings of the AO and has granted relief in the grounds of appeal on disallowance of payment of bonus u/sec36(1)(ii) of the Act and provision of LTA written back but has not allowed consequential deduction of amortised amount of stamp duty and registration charges pursuance to disallowance made in A.Y.2015-16.Since the assessee had filed the appeal on that disputed issue of such disallowance with the appellate authority/CIT(A) for A.Y.2015-16 and the dispute has not attained finality and hence CIT(A) observed that the consequential effect cannot be decided and partly allowed the appeal.

Aggrieved by the order of the CIT(A), the assessee has filed an appeal before the Hon'ble Tribunal.

4. At the time of hearing, the Ld.AR submitted that the CIT(A) has erred in overlooking the facts and submissions filed in the proceedings and the assessee claim of deduction of amortised amount of stamp duty and registration charges in pursuance to disallowance made in A.Y.2015-16 was not granted by the A.O. further the CIT(A) has not allowed the claim as the assessee has filed the appeal against such disallowance with appellate authority/CIT(A) and has not attained finality. The Ld.AR mentioned that deduction of amortised amount of stamp duty and registration charges was allowed to assessee in the A.Y.2016-17 & 2017-18 and from A.Y.2018-19 to A.Y.2022-2023 (except this A.Y.2021-22) are pending for rectification before A.O/appeal before the CIT(A). The Ld.AR has substantiated the submissions with facts and financial statements and prayed for allowing the appeal. Per Contra, the Ld.DR supported the order of the CIT(A) and status reports of the assessing officer and CIT(A).

5. We heard the rival submissions and perused the material on record. Prima-facie the CIT(A) has passed the order considering the facts that Since the assessee had filed the appeal on that disputed issue of stamp duty and registration charges pursuance to disallowance made in

A.Y.2015-16 with the appellate authority/CIT(A) and the dispute has not attained finality and hence consequential effect cannot be decided. The Ld.AR emphasized that the revenue has granted deduction of amortised amount of stamp duty and registration charges in the A.Y.2016-17 & 2017-18 and referred to the Annexure C of the Submissions. The Ld.DR has submitted report of the assessing officer on the claim from A.Y.2016-17 to A.Y.2018-19 and the status of appeals pending before the CIT(A). Further the revenue has filed Order Giving effect (OGE) to the CIT(A) order for this Impugned Assessment Year 2021-22 dated 1.07.2025, When a question was raised to the revenue, why the appeal for A.Y.2015-16 is still pending, the Ld.DR has filed the status report of CIT(A) proceedings where the last hearing notice was issued on 2.05.2025 and the assessee has made the compliance. The Ld.AR submitted that the assessee has filed the written submissions and details before the CIT(A) in the appeal proceedings for A.Y.2015-16 and same is pending. Hence, we considering the facts, circumstances, submissions and principles of natural justice, shall provide with one more opportunity of hearing to the assessee to substantiate the case before the revenue authorities. Accordingly, we set aside the order of the CIT(A) on this disputed issue and remit the issue for limited purpose to the file of the Assessing Officer de novo on the claim of consequential deduction and the assessee should be provided adequate opportunity of hearing and shall

cooperate in submitting the information. And, we allow the grounds of appeal of the assessee for statistical purpose.

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

Order pronounced in the open court on 12.02.2026.

Sd/-
(GD PADMAHSHALI)
ACCOUNTANT MEMBER

Panaji Dated: 12/02/2026

Sd/-
(PAVAN KUMAR GADALE)
JUDICIAL MEMBER

Copy of the Order forwarded to:

1. The Appellant,
2. The Respondent
3. The CIT(A)-
4. CIT
5. DR, ITAT,
6. Guard file.

//True Copy//

BY ORDER,
(Asstt. Registrar)ITAT,
Panaji

		Date	<u>Initial</u>	
1.	Draft dictated on			PS
2.	Draft placed before author			PS
3.	Draft proposed & placed before the second member			PS
4.	Draft discussed/approved by Second Member.			PS
5.	Approved Draft comes to the Sr.PS/PS			PS
6.	Kept for pronouncement on			
7.	File sent to the Bench Clerk			
8.	Date on which file goes to the AR			
9.	Date on which file goes to the Head Clerk.			
10.	Date of dispatch of Order.			
11.	Dictation Pad is enclosed			