

आयकर अपीलीय अधिकरण, 'ए' न्यायपीठ, चेन्नई

IN THE INCOME TAX APPELLATE TRIBUNAL

"A" BENCH, CHENNAI

श्री ए. मोहन अलंकामणी, लेखा सदस्य एवं श्री वी. दुर्गा राव, न्यायिक सदस्य केसमक्ष

BEFORE SHRI A. MOHAN ALANKAMONY, ACCOUNTANT MEMBER AND
SHRI V. DURGA RAO, JUDICIAL MEMBER

आयकर अपील सं./ITA No.1689/Mds/2014

निर्धारण वर्ष /Assessment Year : 2009-10

M/s Triton Health Care Private

Limited,
No.9, Dhanalakshmi Colony,
Natarajan Street, Vadapalani,
Chennai - 600 026.

v. The Assistant Commissioner of
Income Tax,
Company Circle – III(2),
Chennai - 600 034.

PAN :AABCT 3051 A

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से/Appellant by : Shri T. Banusekar, CA

प्रत्यर्थी की ओर से/Respondent by : Shri P. Radhakrishnan, JCIT

सुनवाई की तारीख/Date of Hearing : 18.02.2015

घोषणा की तारीख/Date of Pronouncement: 25.02.2015

आदेश /O R D E R

PER V. DURGA RAO, JUDICIAL MEMBER:

This appeal filed by the assessee is directed against the order of the Commissioner of Income Tax (Appeals)-III, Chennai, dated 28.03.2014 relevant to the assessment year 2009-10.

2. Facts in brief are that the assessee is engaged in trading of pharmaceutical products. The assessee filed return of income declaring a total income of ₹ 55,93,370/-. The return filed by the assessee was processed under Section 143(1) of Income-tax Act, 1961 (in short 'the Act') and the assessment was completed under Section 143(3) of the Act. During the assessment proceedings, the A.O. observed that the assessee had written off an amount of ₹ 13,62,187/- being bad debts during the year. The A.O. has asked the assessee to furnish partywise breakup on the same and ledger extract of the respective debtors in its books. The assessee filed the same. However, the A.O. has noticed that the assessee has written off the respective debts in the debtors ledger only to an extent of ₹ 1,365/- in the case of Lakshmi Medicals and in respect of other debtors has not reduced the debtor balances. Hence, the A.O. has added an amount of ₹ 13,60,822/- being an amount of bad debts debited to Profit & Loss account but not written off as irrecoverable in the respective sundry debtors ledger, to the total income of the assessee.

3. When the assessee carried the matter in appeal before the Ld. CIT(Appeals), the Ld. CIT(Appeals) confirmed the order of the A.O. by observing that a sum of ₹ 1365/- in the case of Lakshmi

Medicals was written off by the assessee and not in other cases. This was pointed out by the AR during the course of hearing on 10.03.2014 and the same was accepted by him. Hence, the Ld. CIT(Appeals) confirmed the order of the A.O.

4. On being aggrieved, the assessee carried the matter in appeal before the Tribunal. The Ld.counsel for the assessee has submitted that the Ld. CIT(Appeals) without considering the submissions of the assessee, confirmed the order of the Assessing Officer. The assessee has filed a paper-book containing – (1) Declaration from the authorized representative; (2) Copy of balance sheet, Profit & Loss account along with schedules for the financial year 2008-09; (3) Copy of letter filed before CIT(A) on 19.03.2014; (4) Copy of journal entry bearing no.798 dated 31.03.2009 and (5) Copy of ledger extracts of parties claimed as bad debts.

5. On the other hand, the Ld. D.R. has submitted that the issue has to be remitted back to the file of the A.O. for fresh examination.

6. We have heard both sides and perused the records and gone through the orders of the authorities below. The Ld.counsel for the assessee has accepted the proposal made by the Ld. D.R. to remit back the issue to the file of the A.O. In view of this, we set

aside the order passed by the Ld. CIT(Appeals) and remit the matter back to the file of the A.O. to decide the issue de novo after examining the details filed by the assessee and affording reasonable opportunity of being heard to it.

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

Order pronounced on Wednesday, the 25th of February, 2015 at Chennai.

Sd/-	sd/-
(ए. मोहन अलंकामणी)	(वी. दुर्गा राव)
(A. Mohan Alankamony)	(V. Durga Rao)
लेखा सदस्य/Accountant Member	न्यायिक सदस्य/Judicial Member

चेन्नई/Chennai,
दिनांक/Dated, the 25th February, 2015.

Kri.

आदेश की प्रतिलिपि अग्रेषित/Copy to:

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकर आयुक्त (अपील)/CIT(A)-III, Chennai-34
4. आयकर आयुक्त/CIT, Chennai-III, Chennai-34
5. विभागीय प्रतिनिधि/DR
6. गार्ड फाईल/GF.