

**IN THE INCOME TAX APPELLATE TRIBUNAL  
MUMBAI BENCHES "H", MUMBAI**

**BEFORE SHRI AMIT SHUKLA (JUDICIAL MEMBER)  
AND  
SHRI ASHWANI TANEJA (ACCOUNTANT MEMBER)**

I.T.A. No.3017/Mum/2015  
(Assessment Year: 2011-12)

M/s FT Knowledge Management Company Ltd, CTS No. 256/257, FT Tower Suren Road, Chakala, Andheri (E), Mumbai-93		Commissioner of Income-tax (A) 16, Mumbai
PAN : AABAT4497N		
(Appellant)		(Respondent)

Appellant by	Shri Piyush Chaturvedi
Respondent by	Shri Omi Ningshen

Date of hearing : 17-01-2017  
Date of order : 31-01-2017

**ORDER**

**Per ASHWANI TANEJA, AM:**

This appeal has been filed by the assessee against the order of Ld. Commissioner of Income-tax (Appeals)-16, Mumbai [hereinafter called CIT (A)] dated 14-03-2014 passed against the assessment order u/s 143(3) dt 31-01-2014 for AY. 2011-12 on the following grounds:-

1. *"The Ld. CIT (A) has erred in sustaining the addition of Rs.4,50,000/- into income of the appellant company on the basis of AIR information without appreciating that the appellant company did not receive this amount as a beneficial owner but collected this amount on behalf of MIs.*

*GBOT.*

2. *The Ld. CIT (A) has failed to appreciate that deduction of tax by the payer itself does not ipso facto make the corresponding amount as income of the appellant company. The Ld. CIT (A) also failed to appreciate the detailed submissions made/evidences produced before him in this regard."*

**2.** The brief facts are that during the year under consideration, the assessee assisted one company, viz. M/s Global Board of Trade (GBOT) for organizing one exhibition in Mumbai on its behalf by collecting fee from various participants on behalf of the said company and remitting the same to the said company. During the course of assessment proceedings, the assessee gave reconciliation of the amounts received and remitted. But, with regard to a sum of Rs.4,50,000 it was noted by the AO that this amount was received by the assessee from SBI on which TDS was deducted in favour of the assessee and the same was also claimed by the assessee in the return of income, but it was not remitted to the said company.

**3.** In reply, the assessee submitted that this amount was received from SBI on behalf of (GBOT) but the same was remitted to the said company. Thus, it was not income of the assessee. However, since TDS was deducted in the name of assessee company, therefore, inadvertently, it was claimed in the return. But as soon as the assessee become aware of the mistake, the claim made in the return was withdrawn. But AO did not agree with the submissions of the assessee and added the same as income of the assessee. Ld. CIT(A) endorsed the order of the AO.

**4.** During the course of hearing before us, the Ld. Counsel of the assessee submitted reconciliation statement to show that the amount

received from the said company was not its income and the same was already remitted to the said company.

5. Per contra, the Ld. DR fairly submitted that facts need to be properly verified in this regard and if the same has already been remitted by the assessee company, then, it cannot be assessed as income of the assessee.

6. We find that this issue should go back to the file of the AO. The assessee shall bring on record requisite details and documentary evidences to show that this amount was received by the assessee from SBI on behalf of GBOT and the same amount has already been remitted to the said company. The AO shall decide this issue afresh after verifying details and documentary evidence, as may be brought on record by the assessee for which adequate opportunity of hearing shall be granted to the assessee. With these directions, this ground may be treated as allowed, for statistical purpose.

7. In the result, appeal of the assessee is treated as allowed, for statistical purposes.

*Order was pronounced in the open court at the conclusion of hearing.*

Sd/-	Sd/-
(AMIT SHUKLA)	(ASHWANI TANEJA)
JUDICIAL MEMBER	ACCOUNTANT MEMBER

Mumbai, Dt: 31<sup>st</sup> January, 2017

Copy to:

1. The appellant
2. The respondent
3. The CIT(A)
4. The CIT
5. The Ld. Departmental Representative for the Revenue, H-Bench

(True copy)

By order

ASSTT.REGISTRAR, ITAT, MUMBAI BENCHES