

आयकर अपीलीय अधिकरण, 'सी' न्यायपीठ, चेन्नई

IN THE INCOME TAX APPELLATE TRIBUNAL

“C” BENCH, CHENNAI

श्री एन.आर.एस. गणेशन, न्यायिक सदस्य एवं श्री संजय अरोड़ा, लेखा सदस्य केसमक्ष

BEFORE SHRI N.R.S. GANESAN, JUDICIAL MEMBER AND
SHRI SANJAY ARORA, ACCOUNTANT MEMBER

आयकर अपील सं./ITA No.3324/Mds/2016

निर्धारण वर्ष / Assessment Year : 2013-14

The Deputy Commissioner of
Income Tax,
Non-Corporate Circle – 4,
Coimbatore.

v. M/s The Coimbatore District Co-
operative Milk Producers Union Ltd.,
Pachapalayam, Kalampalayam Post,
Perur via, Coimbatore – 641 010.

PAN : AAAAT 7787 L

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से/Appellant by : Shri N. Madhavan, Addl.CIT

प्रत्यर्थी की ओर से/Respondent by : None

सुनवाई की तारीख/Date of Hearing : 12.10.2017

घोषणा की तारीख/Date of Pronouncement : 31.10.2017

आदेश /O R D E R

PER N.R.S. GANESAN, JUDICIAL MEMBER:

This appeal of the Revenue is directed against the order of the Commissioner of Income Tax (Appeals) -3, Coimbatore, dated 21.09.2016 and pertains to assessment year 2013-14.

2. The only issue arises for consideration is addition of ₹8,02,35,099/-.

3. Shri N. Madhavan, the Ld. Departmental Representative, submitted that the assessee has shown ₹8,02,35,099/- as sundry creditors as on 31.03.2013, which included the amount payable towards additional price to other societies. According to the Ld. D.R., the assessee explained before the Assessing Officer that the additional price payable to societies, who procured milk from farmers, was shown as sundry creditors. The additional price has to be paid to the societies after getting approval from Government. According to the Ld. D.R., the Assessing Officer found that the amount which was set apart to meet contingent liability cannot be allowed as expenses. However, the CIT(Appeals) found that the additional price payable to the societies for procuring milk was debited to Profit & Loss account and approved by Government, therefore, the liability was crystallized during the year under consideration. Accordingly, by placing reliance on the order of this Tribunal in the assessee's own case for assessment years 2010-11 and 2011-12, the CIT(Appeals) deleted the addition made by the Assessing Officer. According to the Ld. D.R., the Department has already filed an appeal before the High Court against the order of this Tribunal, therefore, the CIT(Appeals) is not justified in deleting the addition made by the Assessing Officer.

4. No one appeared for the assessee inspite of issue of notice by RPAD.

5. We have considered the submissions made by the Ld. D.R. and proceeded to dispose the appeal on merit. From the material available on record, it appears that the amount of ₹8,02,35,099/- was claimed as additional price payable to societies for procuring milk. On identical circumstances, a similar addition made by the Assessing Officer in the assessee's own case, for assessment years 2010-11 and 2011-12 was deleted by this Tribunal. Now, the contention of the Revenue before this Tribunal is that an appeal has already been filed before the High Court. This Tribunal is of the considered opinion that merely because an appeal was filed before the High Court, that cannot be a reason to take a different view on the issue. Therefore, for the reasons stated by the co-ordinate Bench of this Tribunal for assessment years 2010-11 and 2011-12, the order of the CIT(Appeals) is confirmed.

6. In the result, the appeal filed by the Revenue is dismissed.

Order pronounced on 31st October, 2017 at Chennai.

sd/-

(संजय अरोड़ा)

(Sanjay Arora)

लेखा सदस्य/Accountant Member

sd/-

(एन.आर.एस. गणेशन)

(N.R.S. Ganesan)

न्यायिक सदस्य/Judicial Member

चेन्नई/Chennai,

दिनांक/Dated, the 31st October, 2017.

Kri.

आदेश की प्रतिलिपि अग्रेषित/Copy to:

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