

**INCOME TAX APPELLATE TRIBUNAL
MUMBAI 'J' BENCH, MUMBAI**

**[Coram: Pramod Kumar (Vice President)]
and Sandeep S Karhail (Judicial Member)]**

ITA No.1323/Mum/2021
Assessment Year: 2016-17

Michael Page International Recruitment Pvt. Ltd., **Appellant**
*5th Floor, 2nd North Avenue, Maker Maxity, BKC,
Bandra(E), Mumbai 400 051 [PAN: AAGCM8425N]*

Vs.

Deputy Commissioner of Income Tax-14(1)(1)
Mumbai **Respondent**

Appearances:

Dhanesh Bafna along with **Pratik Shah** for the appellant
Vatsala Jha and **Chetan M. Kacha** for the respondent

Date of concluding the hearing : 06/10/2022
Date of pronouncement the order : 17/10/2022

O R D E R

Per Pramod Kumar, VP:

1. By way of this appeal, the assessee appellant has challenged the correctness of the order dated 3rd April 2021, passed by the Assessing Officer in the matter of assessment under section 143(3) r.w.s. 144C(13) of the Income Tax Act 1961, for the assessment year 2016-17.

2. In ground nos. 1 to 3, which we will take up together, the assessee-appellant has raised the following grievances:

Ground 1: Final assessment order and Dispute Resolution Panel ('DRP') directions passed without application of mind

On the facts and circumstances of the case and in law, the final assessment order dated April 03, 2021 passed u/s. 143(3) r.w.s. 144C of the Income-tax Act, 1961 ('the Act') by the Ld. Assessing Officer ('Ld. AO') incorporating the directions dated March 23, 2021 passed by Hon'ble Dispute Resolution Panel DRP, is without application of mind as they have adjudicated on objections pertaining to a different taxpayer and is therefore invalid, bad-in-law and deserves to be quashed.

The Appellant prays that the final assessment order and DRP directions be treated as invalid, bad-in-law and should be quashed.

Ground 2: Revised DRP directions passed beyond due date

On the facts and circumstances of the case and in law, the Hon'ble DRP erred in passing revised directions dated April 22, 2021 u/s. 144C(5) read with rule 13 of the DRP Rules beyond the due date of March 31, 2021 specified to pass the directions as per section 144C(12) of the Act.

The Appellant prays that the revised DRP directions passed beyond the prescribed due date of March 31, 2021, should be considered time-barred, invalid and the assessment proceedings be quashed.

Ground 3: No opportunity given of being heard

On the facts and circumstances of the case and in law, the order passed by the Ld. AO / TPO is in violation of principles of natural justice as the Appellant was not provided with an opportunity of personal hearing as to why the transfer pricing ('TP') adjustment should not be made, even on specific request of the Appellant.

The Appellant therefore prays that the Ld. AO / TPO's order be quashed and the entire adjustment of Rs 4,85,54,987 made to the total income of the Appellant be deleted.

3. To adjudicate upon this appeal, only a very few material facts need to be taken note of. In this case, the Dispute Resolution Panel issued certain directions on 23rd March 2021, which were duly implemented by the Assessing Officer in the impugned assessment order. However, apparently on account of a word-processing cut-paste error, the directions so contained in the DRP's order incorporated directions relating to another group concern with a somewhat similar name, i.e. Michael Page International Pte Ltd- as against the assessee i.e. Michael Page International Recruitment Pvt Ltd. Within a month of these directions having been issued by the DRP, the mistake was detected, and, consequently, a rectification order was passed on 22nd April 2021. In the said rectification order dated 22nd April 2021, a copy of which was placed before us, the D.R.P. has *inter alia* admitted that **"directions pertaining to a different assessee i.e. Michael Page International Pte. Ltd. AY 2017-18, were uploaded in the place of the assessee's case i.e. Michael Page International Recruitment Pvt. Ltd. AY 2016-17"**. However, no effect to this rectification order is given in the impugned directions. Based on

admittedly incorrect directions, the impugned assessment order has been passed. The assessee is aggrieved and is in appeal before us.

4. When the appeal came up for hearing, Shri Bafna, learned counsel suggested that the impugned assessment order should be quashed for the short reason that it is so passed without any application of mind. The Assessing Officer, according to the learned counsel, should have applied his mind to the directions issued to him by the DRP, and noticed that these directions were not relatable to the fact situation that he was dealing with, rather than giving effect to these incorrect directions without any application of mind. Learned counsel for the assessee contends that the D.R.P. directions based on which the impugned assessment order is passed admittedly pertain to another assessee, i.e. Michael Page International Pte. Ltd., and for the short reason alone, the assessment order impugned in appeal before us, is vitiated in law. Learned counsel contends that the fact that admittedly these directions pertained to some other assessee, and yet the Assessing Officer implemented these directions, clearly shows that the impugned assessment order has been passed in a perfunctory manner and it cannot meet any judicial approval. As evident from a plain reading of the second ground of appeal before us, it is stand of the assessee that the DRP *“erred in passing revised directions dated April 22, 2021 u/s. 144C(5) read with rule 13 of the DRP Rules beyond the due date of March 31, 2021 specified to pass the directions as per section 144C(12) of the Act.”* It is further contended that in any event, the Assessing Officer could have implemented the DRP’s directions only within one month from the end of the month in which directions are received by him. It is submitted that the DRP can issue the directions only under section 144C(5) and that section 144C(13) categorically provides that the Assessing Officer shall give effect to these directions *“within one month from the end of the month in such directions are received”*. Learned counsel contends that the very purpose of creating the Dispute Resolution Panel, for certain categories of taxpayers, was to ensure that the assessment proceedings are quickly completed. It is then pointed out that even till now the Assessing Officer has not given effect to the rectification order passed by the DRP, but that’s hardly material because in any case, according to the learned counsel, the Assessing Officer has missed the bus by now. We are thus urged to quash the impugned assessment order. As for the legal challenge to rectifying the directions by the Dispute Resolution Panel, as time-barred, on which extensive arguments had on the first day of the hearing, learned counsel for the assessee did not add anything. He now takes the stand that adjudication on the question of the validity of the rectified directions of the Dispute Resolution Panel, vide order dated 22nd April 2021, is wholly academic, and we need not adjudicate on the same. It is submitted that even though the assessee has taken a specific ground of appeal to the effect that the subsequent order dated 22nd April 2021 is time-barred, we need not adjudicate on the same. As we take note of this prayer to quash the assessment order on the ground that it has been passed without any application of mind by the Assessing Officer, we may also add that the learned counsel’s initial stand before us, on the merits of the validity of the

rectification order dated 22nd April 2021, has been that the Dispute Resolution Panel is denuded, under section 144C(12), of the powers to issue any directions to the Assessing Officer after the end of nine months from the end of the month in which draft order is forwarded to the eligible assessee. When learned counsel's attention was invited to rule 13 of the Income Tax (Dispute Resolution Panel) Rules 2009, he submitted that there is no doubt that the DRP has the powers to rectify its directions, but such rectification can only be carried out within the time permissible under section 144C(12). In response to the bench's question about whether the interpretation so canvassed by the learned counsel will render the powers granted to the DRP for rectification otiose, learned counsel submits that when the statute does not permit any additional time for rectification of mistake, such additional time cannot be inferred. On the basis of this reasoning, it was earlier suggested that no useful purpose will be served by remitting the matter to the file of the Assessing Officer as there are no lawful directions of the DRP, which can be implemented by the Assessing Officer- the directions dated 23rd March 2021 are admittedly irrelevant inasmuch as these directions pertain to another assessee, and the directions dated 22nd April 2021 are passed beyond the time permissible under section 144C(12) of the Act. This time learned counsel for the assessee has a different point to make. He submits that he is no longer on the point as to whether rectification under rule 13 could have been legally carried out in this case or not, his sole point is that such a rectification was required to be implemented within a certain time frame, i.e. within a month from the date of receiving the directions, and when the Assessing Officer does not so implement the rectification order. When asked about the time limit within which an Assessing Officer could have rectified the order under section 154, learned counsel submitted that section 154 would not apply to this situation as right now we are dealing with the DRP provisions, which constitutes a special scheme for certain categories of taxpayers. Application of time limits under section 154 within which rectification of mistakes apparent on record can be carried out, on the facts of this case, will be contrary to the scheme of taxation envisaged under the scheme of the DRP. It is thus suggested that there cannot even be any point in remitting the matter to the file of the Assessing Officer. We are thus once again urged to quash the assessment order as having been passed without any application of mind and in violation of the directions of the Dispute Resolution Panel.

5. Smt Jha, learned Departmental Representative, fairly accepts the factual position with respect to the cut-paste error in the directions of the DRP but points out that when these directions stand rectified under rule 13 of the Income Tax (Dispute Resolution Panel) Rules 2009, the matter is to be set aside to the file of the Assessing Officer for adjudication *denovo* in the light of the rectified directions of the Dispute Resolution Panel. As regards the validity of DRP's directions dated 22nd April 2021, the learned CIT(DR)'s basic submission was that the DRP has the powers to rectify its order under rule 13 of the Income Tax (Dispute Resolution Panel) Rules 2009, and even though rule 13 does not specify a time limit for rectification of mistakes in the directions issued by the DRP, a reasonable time frame for rectification of mistake

is required to make this provision workable. Learned CIT(DR) has also pointed out that there was a cut-paste mistake in the finalization of the DRP directions, as, due to an inadvertent error, the directions in the case of a sister concern with a similar name were incorporated in the directions dated 23rd March 2021, but as soon as this mistake was detected and in less than a month of finalizing the directions dated 23rd March 2021, this mistake was rectified. It was pointed out that the mistake was rectified in less than a month, and if even a mistake rectified in less than a month is to be treated as time-barred, the very powers vested in the Dispute Resolution Panel to rectify its orders will be rendered redundant. Learned CIT(DR) has further submitted that the Assessing Officer has the power to rectify the assessment order as the time limit specified under section 154(7), for rectification of mistakes apparent on the record, has not yet expired. Learned CIT(DR) has also pointed out that the time limit for passing the order, and time limit for rectification of the order, are always distinct and separate and one cannot proceed on the basis that an income tax authority must rectify the order within the time limit for passing the order which is sought to be rectified. Such an interpretation is patently incorrect and contrary to the scheme of the Income Tax Act. As regards the implementation of the DRP's directions, by the DRP, within one month from the end of the month in which directions are received., learned Commissioner points out that this time limit concerns the assessment proceedings and not rectification proceedings. When rectification proceedings are specifically permitted within a certain time frame of time, that time limit cannot be reduced, curtailed or otherwise narrowed down. It is then pointed out that there is no infirmity in the order of the Assessing Officer inasmuch as it is not open to him to question the directions of the DRP; he has to give effect to these directions as issued- and that too within a strict time limit. All that he could have done, if the Assessing Officer was to be aggrieved of the directions, was to invite the attention of the DRP to these mistakes and, once the mistakes are rectified, pass the consequent rectification in his assessment order with the time prescribed under the statute. That's the course the Assessing Officer seems to have adopted anyway, and the time limit for rectification of mistakes in the assessment order is not yet over. The matter should thus, according to the learned Commissioner, be remitted to the file of the Assessing Officer. On the strength of these submissions, we were urged to hold that the rectification order dated 22nd April 2022 passed by the DRP is good in law, that the Assessing Officer may pass the final order in accordance with the same, and that the matter is required to be remitted to the file of the Assessing Officer as such.

6. We have heard the rival contentions, perused the material on record and duly considered the facts of the case in the light of the applicable legal position.

7. We are of the considered view that in today's world of automation and computers, while the character of mistakes may not have changed, the types of mistakes have changed- as we have

seen in this case. A cut-paste word processing error may seem to be a grave error at first sight, because of the sheer volume of information and content it affects, but then it is a simple error caused by one wrong, and perhaps inadvertent, a command given by the person processing the document. The errors are errors, nevertheless, and an error *per se*, no matter how fundamental, does not vitiate the entire connected proceedings. It is human to err, and there is nothing unusual about the fact that an error has been committed. If an error is rectified in a permissible manner, and that too within the permissible time limit, no damage is caused by an error. What is important, therefore, is to examine whether the law provides a mechanism to rectify such an error. If yes, whether the error is so rectified and rectified within the time limit, and, if not, whether, in the absence of such a rectification mechanism or because of the lapse of time, such an error has become fatal to the assessment itself. Let us, in this light, revert to the facts of this case.

7. While finalizing the directions of the dispute resolution panel, apparently a cut-paste error, which is lifting the body of text in some other document and pasting it in substitution of the right text, took place. The directions which were finalized for a somewhat similarly named group entity were pasted by mistake in the directions in the case of this assessee. To this extent, there is no dispute between the parties. The dispute is on the point that, according to the assessee, the passing of the impugned assessment order shows complete non-application of mind, whereas, according to the learned Departmental Representative, the Assessing Officer had no choice but to pass an order based on the directions of the DRP and then take whatever remedial measures were required to be taken. We see merits in the plea of the learned Departmental Representative. Section 144C(13) enjoins the Assessing Officer to complete the assessment “in conformity with the directions” issued by the learned Dispute Resolution Panel, and it is not open to him to hold giving effect to these directions even if he finds the same to be *prima facie* incorrect. What needs to be done is to at best, take up the matter, in whatever way feasible, with the Dispute Resolution Panel for rectification of the mistake- particularly when no such rectification proceedings are being carried out anyway by the DRP. Giving effect to the directions of the DRP, despite apparent incorrectness, cannot be, by any stretch of logic, said to be non-application of mind by the Assessing Officer; quite to the contrary, that is the call of his duty. Whatever has been directed by the DRP is to be implemented within the permitted time limit; if there are mistakes in the directions of the DRP, that rectification can only be done by the DRP itself. The remedial measures for rectification of such mistakes are quite distinct and separate from the assessment exercise, and these measures have already been taken well within the legal framework separately. The next question, then, is whether this mistake can be rectified. We find that under section 144C(14) of the Act, the Central Board of Direct Taxes “**may make rules for the purposes of the efficient functioning of the Dispute Resolution Panel and expeditious disposal of the objections filed under sub-section (2) by the eligible assessee**”.

In exercise of these powers, and vide notification no. 84/2009 [F.NO. 142/22/2009-TPL]/S.O. 2958(E) dated 20-11-2009, the Central Board of Direct Taxes has notified **Income-tax (Dispute Resolution Panel) Rules, 2009** (hereinafter referred to as the DRP Rules). We further find that rule 13 of the DRP Rules prescribes that **“After the issue of directions under rule 10, if any mistake or error is apparent in such direction, the panel may, suo motu, or on an application from the eligible assessee or the Assessing Officer, rectify such mistake or error, and also direct the Assessing Officer to modify the assessment order accordingly”**. In the present case, the rectification has been done *suo motu* and the assessee has taken no objection to the rectification proceeding either. To this extent also, there is no infirmity in the rectification order passed by the learned DRP.

9. The next point we must consider is whether the rectification proceedings were carried out well within the permissible time. The initial argument was whether the rectification proceedings or the original proceedings, the time limit available to the Dispute Resolution Panel, for passing any order, is the time limit available under section 144C(12), and once that time limit has expired, the DRP is denuded of the powers of issuing any directions- original or rectification. It was also pointed out that rule 13, of the Income-tax (Dispute Resolution Panel) Rules 2009, does not prescribe a time limit for rectification of mistakes, and, in the absence of any such additional time available- as, for example, under section 154 or 254(2), no additional time limit can be allowed for rectification of mistakes in the DRP directions. When this matter was fixed for a second hearing, learned counsel abandoned this plea but submitted that whenever be the rectification of mistakes having been carried out by the learned DRP, the time available to the Assessing Officer for giving effect to these rectification directions is, under section 144C(13), one month from the end of the month in which any directions by the DRP, including rectification thereof, are issued. That period, according to the learned counsel, is already completed, and all these discussions about the time limit for issuance of rectification order are thus wholly academic. On this point, in substance, the learned Departmental Representative's stand is two-fold- first, that, in the absence of a time frame for rectification of mistake not having been provided in the statute, we have to infer a reasonable time frame for such exercise being carried out; and , second, that the Assessing Officer still has time to rectify the assessment order under 154(7), which provides that “save as otherwise provided in section 155 or sub-section (4) of section 186, no amendment under this section (i.e. 154) shall be made after the expiry of four years from the end of the financial year in which the order sought to be amended was passed”, but he is unable to do so because this Tribunal is *in seisin* of the assessment order which can be rectified. She submits that it is only when the Tribunal ceases to be *in seisin* of the matter, by remitting the assessment to the file of the Assessing Officer, that the assessment order can be rectified. On a careful consideration of these submissions and analysis of the legal position, we find that it is indeed true that rule 13 does permit rectification of mistakes in the DRP order as it

specifically provides that **“After the issue of directions under rule 10, if any mistake or error is apparent in such direction, the panel may, suo motu, or on an application from the eligible assessee or the Assessing Officer, rectify such mistake or error, and also direct the Assessing Officer to modify the assessment order accordingly”**, it does not provide any time frame within which such rectification of mistake is to be carried out. The time limits for rectification of mistakes in sections 154 and 254 would not come into play, as, strictly speaking, the Dispute Resolution Panel is not covered by the expression “income tax authority referred to in Section 116”, as is *sine qua non* for application of Section 154, and the time limit applicable for the Income Tax Appellate Tribunal, which is exclusively for the ITAT, will have no application on the DRP either. If one is to proceed on the basis that even the rectification of a mistake can be done within the time limit prescribed under section 144 C(12), which provides that **“no directions under sub-section (5) will be issued after nine months from the end of the month in which draft order was forwarded to the assessee”**, it will result in a glaring incongruity in the sense that the directions issued by the DRP on the last day will in effect have not a single day for rectification of mistakes. That is an incongruous result which will render rule 13 of the DRP Rules nugatory and meaningless in a large number of cases. Hon’ble Calcutta High Court, in the case of **CIT v. Jayashree Charity Trust [(1986) 159 ITR 280 (Cal.)]** has observed that, **“To resolve . . . (the) controversy, regard must be had to the language that has been employed and also to the object of the statute. It is well settled that, if possible, the words of a statute must be construed so as to give a sensible meaning to them. The words ought to be construed ut res magis valeat quam pereat.”** This latin maxim, i.e, *ut res magis valeat quam pereat*, means that the words of the statute should be given a sensible meaning so as to make them effective rather than making them redundant. As observed by Hon’ble Supreme Court, in the case of **CIT v. Teja Singh [(1959) 35 ITR 408, at page 414 (SC)]** ‘a statute is designed’, observed Lord Dunedin in **Whitney v. IRC [1925] 10 Tax Cas. 88** ‘to be workable, the interpretation thereof by a court should be to secure that object.....’ It is, therefore, only elementary that law is to be interpreted in such a manner as to make it work rather than make it redundant. When there is no specific time limit for passing the rectification order under rule 13 of the DRP Rules, these provisions will become unworkable. Undoubtedly, there has to be a reasonable time limit within which an order can be passed even for rectification. When the time limit is not set out in the statute, it is indeed open to us to consider as to what will constitute a reasonable time limit for passing such an order. In the case of **Mahindra & Mahindra Ltd Vs DCIT [(2009) 122 TTJ SB 577 (Mum)]**, and dealing with the period when there was no time limit for passing a tax withholding demand under section 201, a special bench of this Tribunal has held that **“It is true that the Tribunal cannot legislate. At the same time in order to find out the time limitation for a particular action for which no time limit is prescribed, one has to examine the scheme of the Act itself. In order to reach the such conclusion, it is of utmost importance to understand the framework of which the time limit is to be ascertained and then consider the relevant provisions throwing light on it. We have**

held above that even if no time limit is prescribed in the statute for taking any action, still such action can be taken only within a reasonable time. Now what is reasonable time varies from context to context". The Special Bench held that **"Any order passed under s. 201(1) or (1A) cannot be held as barred by limitation if it is not passed within four years from the end of the relevant financial year"**. The time limit for passing the order thus, even though not provided under the statute till that point in time, was inferred by the Tribunal. By inserting sub-sections (3) and (4) into Section 201, by Finance (No. 2) Act 2009, the legal position was amended, and a formal time limit for passing such an order was provided in the statute itself. There is thus nothing wrong in our taking a call on what would be a reasonable time limit for passing an order under rule 13 of the DRP Rules, and, as long the rectification order is passed within such time- concession or no concession by the learned counsel, the rectification order is to be held is having been passed within a reasonable time limit, and, as such, sustainable in law. In the present case, the rectification order is passed within one month of the original directions issued by the DRP under section 144C(5). By no stretch of logic, this period of one month can be said to be less than a reasonable timeframe for the rectification of mistakes. The shortest time limit for rectification of mistakes, under section 254(2) of the Income Tax Act, 1961, is for a period of six months, as it states that **"The Appellate Tribunal may, at any time within six months from the end of the month in which the order was passed, with a view to rectifying any mistake apparent from the record, amend any order passed by it under sub-section (1), and shall make a such amendment if the mistake is brought to its notice by the assessee or the Assessing Officer."** There is perhaps one common thread in the functioning of the DRP and the ITAT, and that is with respect to the adjudicatory function- though much different in scope and application. When a higher forum like this Tribunal can be permitted six months' time for the rectification of the mistakes apparent on record, there should be no good reason that similar time for rectification of mistake apparent on record is not allowed to the Dispute Resolution Panel. We see no reasons to hold that the time limit permitted to the DRP for the rectification of mistakes apparent on record should be any less than the time permitted to the ITAT for the rectification of mistakes apparent on the record. We, therefore, hold that any order passed under rule 13 of the DRP rules **"cannot be held as barred by limitation if it is passed within six months from the end of the month in which the order was passed"**. Viewed thus, the rectification order dated 22nd April 2021 holds good in law. As regards the time frame within which such an order is to be given effect, one has to bear in mind the fact that the time limit set out under section 144C(13) is for giving effect to "the directions issued under sub-section 5". Referring to directions under section 144C(5), Rule 10 of the Income Tax (Dispute Resolution Panel) Rules 2009, provides that **"(1) On the date fixed for hearing or on any other date to which the hearing may be adjourned, if the eligible assessee or his authorized representative do not appear, or when they appear, upon hearing the objections, the panel may, within the specified time, issue such directions as it deems proper. (2) While hearing the objections, the panel shall not be confined to the grounds set forth in the objections but**

shall have the power to consider any matter or grounds arising out of the proceedings. (3) On the conclusion of the hearing, the panel shall issue directions within the specified period”. These provisions are thus restricted to the directions of the DRP on the objections raised before the DRP. The provisions for rectification are distinct and separate, and these rectification proceedings are not governed by section 144C(5). So far as the rectification is concerned, Rule 13 then provides that **“After the issue of directions under rule 10, if any mistake or error is apparent in such direction, the panel may, suo motu, or on an application from the eligible assessee or the Assessing Officer, rectify such mistake or error, and also direct the Assessing Officer to modify the assessment order accordingly”.** Clearly, therefore, directions under rule 10 and rectification under rule 13 are qualitatively different. So far as rectification of mistake apparent on record is an order passed by the Assessing Officer is concerned, it is governed by Section 154. While the time limit for implementing directions under rule 10, read with section 144C(5), is governed by Section 144C(13), the time limit for “rectification of mistakes” for which specific provisions are set out in Section 154 is governed by the provisions of Section 154 itself. In our considered view, the Assessing Officer, even as of now, has the powers under section 154 to rectify the impugned assessment order since four years have not yet elapsed from the end of the financial year in which the assessment order was passed. It is so given the legal position under section 154(7), which provides that **“save as otherwise provided in section 155 or sub-section (4) of section 186, no amendment under this section (i.e. 154) shall be made after the expiry of four years from the end of the financial year in which the order sought to be amended was passed”.** When the Assessing Officer, being an income tax authority under section 116, is allowed a certain time frame for the rectification of mistakes apparent on record in his orders, that time frame cannot be diluted, curtailed or otherwise narrowed down by us. It cannot thus be said that no useful purpose will be served by remitting the matter to the file of the Assessing Officer even at this stage. To that extent, the plea of the assessee is incorrect. Quite contrary to what has been argued by the learned counsel for the assessee, if we are to quash the assessment order, as being urged by the learned counsel, these rectification powers will be preempted in the sense that once the assessment order itself is quashed, there will be nothing left to be rectified, as a consequence to rectification order passed by the DRP, even though the Assessing Officer has the time, permitted under the statute, to rectify the glaring mistake apparent on record in the impugned assessment order passed by him.

10. In view of these discussions, as also bearing in mind the entirety of the case, we deem it fit and proper to reject the assessee's plea seeking quashing of the impugned order. The impugned order is erroneous inasmuch as it does not give effect to the rectification order passed by the Dispute Resolution Panel, and the right course of action to be followed, therefore, is that the impugned assessment order is to be modified, and subjected to rectification of mistake apparent on the record, in the light of rectification order passed by the Dispute Resolution Panel.

In our considered view, therefore, the matter deserved to be remitted to the file of the Assessing Officer for carrying out necessary rectifications of the impugned order by taking rectified and corrected DRP directions into account. As regards the plea of the assessee on merits on the rectified directions, contained in grounds nos. 4 to 6, these arguments are premature. That aspect of the matter can be considered when the effect is given to the rectified directions. With these observations, the matter stands restored to the file of the Assessing Officer. As we part with the matter, we may add that it is certainly desirable that the time limit for passing a rectification order under rule 13 of the DRP Rules, and a time limit for giving effect to such a rectification order, are specifically provided for in the statute itself. That will provide much-needed clarity to everyone- including the field officers.

11. In the result, the appeal is allowed for statistical purposes in the terms indicated above. Pronounced in the open court today on the 17th day of October 2022

Sd/-
Sandeep S Karhail
(Judicial Member)

Sd/-
Pramod Kumar
(Vice President)

Mumbai, dated the 17th day of October, 2022

<i>Copies to:</i>	(1)	<i>The Appellant</i>	(2)	<i>The respondent</i>
	(3)	<i>CIT</i>	(4)	<i>CIT(A)</i>
	(5)	<i>DR</i>	(6)	<i>Guard File</i>

By order

*Assistant Registrar/Sr. PS
Income Tax Appellate Tribunal
Mumbai benches, Mumbai*