

IT deduction cannot be claimed during re-assessment if not claimed in original assessment proceedings

In ***GMR Infrastructure Ltd. v. the Deputy Commissioner of Income Tax [ITA No. 1036 of 2017 decided on July 6, 2021]*** GMR Infrastructure Ltd. (“the Appellant”) filed an appeal against order by ITAT, Bangalore w.r.t. to the issue that whether the Appellant is entitled to raise a fresh claim during the assessment proceeding under Section 153A of the Income Tax Act, 1961 (“IT Act”) pursuant to search action under Section 132 of the IT Act.

ITAT, Bnagalore- Relied on the decision of Rajasthan High Court in ***Jai Steels (India) Jodhpur c. ACIT [36 TAXMANN.COM 523]*** to hold that the assessment or re-assessment made in pursuance to Section 153A of the IT Act, is not a de novo assessment and therefore, it was not open to the Appellant to claim and be allowed deduction or allowance of expenditure which it had not claimed in the original assessment proceedings which in the case of the Appellant stood completed.

Hon’ble Karnataka High Court upheld the decision of ITAT, Bangalore and dismissed the appeal.

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