

आयकर अपीलीय अधिकरण, 'डी' न्यायपीठ, चेन्नई

IN THE INCOME TAX APPELLATE TRIBUNAL

' D' BENCH : CHENNAI

श्री धुव्वुरु आर.एल रेड्डी, न्यायिक सदस्य के समक्ष

एवं एस जयरामन, लेखा सदस्य

**BEFORE SHRI DUVVURU RL REDDY, JUDICIAL MEMBER &
SHRI S.JAYARAMAN, ACCOUNTANT MEMBER**

S.P. Nos.104 & 105 /Chny/2020

(I.T.A.Nos.3114 & 3115/Chny/2019
Assessment years :2012-3 & 2013-14)

M/s.Jaya Educational Trust,
8,2nd Main Road, Krishnapuram,
Thiruninravur, Thiruvallur,
Tamilnadu 602 024.

[PAN AAATJ 0369 D]

(अपीलार्थी/Appellant)

Vs. The DCIT,
Central Circle-1(2),
Chennai.

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से/ Appellant by

: Mr.Y.Sridhar,C.A

प्रत्यर्थी की ओर से /Respondent by

: Mrs.R.Anitha,JCIT, D.R

सुनवाई की तारीख/Date of Hearing

: 13-03-2020

घोषणा की तारीख /Date of Pronouncement

: 13-03-2020

आदेश / ORDER

PER S.JAYARAMAN, ACCOUNTANT MEMBER

M/s.Jaya Educational Trust., the assessee, filed these two Stay Petitions for assessment years 2012-13 & 2013-14, wherein assessee seeks stay of recovery of outstanding tax of ₹5,77,06,503/- & ₹7,76,28,810/- for the assessment years 2012-13 & 2013-14 respectively.

2. The Ld. A.R. submitted that the assessee is a Trust and the assessments for the assessment years 2012-13 & 2013-14 were completed under Section.143(3) of the Act. Later on, on a revision under Section 263 of the Act, the A.O. passed orders under Section 143(3) r.w.s. 263 of the Act denying the exemption under Section 11 r.w.s.13(2) of the Act. On appeal, learned CIT(A) partly allowed the appeal. Against that orders of learned CIT(A), the assessee preferred appeals before this Tribunal. Out of total demand of ₹ 9.42 crores for the assessment year 2012-13, the assessee has paid ₹3.65 crores and outstanding demand is ₹ 5.77 crores. Out of total demand of ₹ 9.78 crores for the assessment year 2013-14, the assessee has paid ₹2.02 crores and outstanding demand is ₹ 7.76 crores. Ld. A.R. submitted that the cases are posted for hearing on 01.06.2020 and pleaded that pending demands for the impugned assessment years may be stayed. Further, Ld. A.R. submitted that on similar issue for assessment year 2016-17 in the assessee's case, the High Court granted Stay and the assessee paid an amount of ₹ 2.20 crores. Since the similar issue is pending before the Tribunal, the Ld. A.R. prayed that all appeals in assessee's own case for assessment years 2016-17, 2013-14 & 2012-13 may be clubbed together and may be posted for hearing before the Tribunal on 31.03.2020.

3. Per contra Ld. D.R. opposed the grant of stay.

4. We have heard the rival submissions and perused the material available on record. Considering the facts and circumstances of the case, it is clear that assessee has not made out a case towards financial difficulty, if any. Therefore, the Stay Petitions of assessee are rejected. However, we grant early hearing of cases on 31.03.2020. Since one of the cases is posted for hearing on 01.06.2020, the assessee may move appropriate clubbing petitions immediately.

5. In the result, the stay petitions filed by the assessee for the assessment years 2012-13 & 2013-14 are dismissed.

Order pronounced in the open court after conclusion of hearing on 13th March, 2020 at Chennai

Sd/-

(धुव्वुरु आर.एल रेड्डी)

(DUVVURU RL REDDY)

न्यायिक सदस्य/JUDICIAL MEMBER

Sd/-

(एस जयरामन)

(S. JAYARAMAN)

लेखा सदस्य/Accountant Member

चेन्नई/Chennai

दिनांक/Dated: 13th March,2020.

K S Sundaram

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