

**IN THE INCOME TAX APPELLATE TRIBUNAL  
VISAKHAPATNAM BENCH, VISAKHAPATNAM**

**BEFORE SHRI V. DURGA RAO, HON'BLE JUDICIAL MEMBER &  
SHRI D.S. SUNDER SINGH, HON'BLE ACCOUNTANT MEMBER**

**I.T.A. No. 166/VIZ/2019  
(Asst. Year : 2014-15)**

ACIT, Circle-1,  
Eluru.

vs.

M/s. The District  
Co-operative Central Bank  
Ltd., P.B.No.214,  
Ramachandra Rao Pet,  
Eluru, West Godavari Dist.

(Appellant)

PAN No. AADAT 1078 R  
(Respondent)

Assessee by : Shri G.V.N. Hari, Advocate  
Department By : Smt.U.Mini Chandran, Sr.DR

Date of hearing : 16/03/2020.

Date of pronouncement : 18/03/2020.

**ORDER**

**PER V. DURGA RAO, JUDICIAL MEMBER**

This appeal by the Revenue is directed against the order of Commissioner of Income Tax (Appeals), Rajamahendravaram, dated 26/12/2018 for the Assessment Year 2014-15.

**2.** This appeal was heard on 20/06/2019 and order was pronounced on 26/06/2019. Subsequently, the department filed a Misc. Application No. 32/VIZ/2019 and submitted that ground Nos. 5 & 6 were not adjudicated by the Tribunal. Therefore, by

considering the submissions made by the department, the order passed by the Tribunal on 26/06/2019 was recalled by order dated 06/03/2020 only to adjudicate ground Nos. 5 & 6.

**3.** Ground No.5 relates to addition made by the Assessing Officer in respect of vehicle hire charges of Rs. 3,75,761/-. According to the Assessing Officer, the assessee made the payment towards hiring of the vehicle charges of Rs 3,75,761/-, but not made TDS thereon, therefore section 40(a)(ia) is applicable, hence, same is disallowed and added to the total income of the assessee.

**4.** On appeal before the Id. CIT(A), it was submitted that the amount of Rs. 3,75,761/- was not paid by the assessee directly to the taxies hired by the APCOB. In fact, APCOB itself hired the taxies for visiting the bank Chairman to APCOB, Hyderabad, therefore section 194C has no application. The Id. CIT(A) by considering the documentary evidence produced by the Assessing Officer gave a categorical finding that assessee has not made any direct payment to the hired taxies, it is only payment made by the APCOB and directed the Assessing Officer to delete the addition. We find no infirmity in the order passed by the Id. CIT(A). Thus, this ground of appeal raised by the Revenue is dismissed.

**5.** So far as ground No.6 is concerned, it is mere academic, therefore no adjudication is required, same is dismissed.

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

Order Pronounced in open Court on this 18<sup>th</sup> day of March, 2020.

Sd/-  
**(D.S. SUNDER SINGH)**  
**Accountant Member**

sd/-  
**(V. DURGA RAO)**  
**Judicial Member**

**Dated: 18<sup>th</sup> March, 2020.**

**vr/-**

*Copy to:*

1. *The Assessee - M/s. The District Co-operative Central Bank Ltd., P.B.No.214 Ramachandra Rao Pet, Eluru, West Godavari Dist.*
2. *The Revenue - ACIT, Circle-1, Eluru.*
3. *The Pr.CIT, Rajamahendravaram.*
4. *The CIT(A), Rajamahendravaram.*
5. *The D.R., Visakhapatnam.*
6. *Guard file.*

By order

(VUKKEM RAMBABU)  
Sr. Private Secretary,  
ITAT, Visakhapatnam.