IN THE INCOME TAX APPELLATE TRIBUNAL
"F" BENCH, MUMBAI

HYBRID HEARING

BEFORE HON'BLE SHRI PAWAN SINGH, JM
AND
HON'BLE SHRI MANOJ KUMAR AGGARWAL, AM

आयकरअपीलसं./ ITA No.3362/MUM/2026
(निर्धारणवर्ष / Assessment Year: 2019-20)

Ms. Sophia Rick C/o CA Arun Sahu B-24B, GF, Borivali, Vyomesh CHS Borivali, Gymkhana Road Usha Nagar, Borivali (West), Mumbai, Maharashtra 400092	**बनाम**/ Vs.	**ITO Ward 42(1)(5)** Kautilya Bhavan, BKC, Mumbai, Maharashtra, 400051
स्थायीलेखासं./जीआइआरसं./PAN/GIR No. **AGQPR-6702-G**		
(अपीलार्थी**/Appellant**)	:	(प्रत्यर्थी / **Respondent**)

अपीलार्थीकीओरसे/ **Appellant by**	:	Assessee-in-person (Virtual)
प्रत्यर्थीकीओरसे/**Respondent by**	:	Sh. Nishant Somaiya (CIT) - Ld. DR

सुनवाईकीतारीख**/Date of Hearing**	:	16-06-2026
घोषणाकीतारीख /**Date of Pronouncement**	:	18.06.2026

आदेश / O R D E R

Manoj Kumar Aggarwal (Accountant Member)

1. Aforesaid appeal by assessee for Assessment Year (AY) 2019-20 arises out of an order of learned Addl. / Joint Commissioner of Income Tax (Appeals), Agra, [CIT(A)] dated 30.01.2026 in the matter of an intimation issued by CPC u/s 143(1)of the Act on 29.10.2019.

2. The assessee appeared in-person though virtual mode and sought adjudication of appeal on merits. It has been submitted that the assessee was seeking rectification before CPC which ultimately stood rejected which led the assessee to prefer further appeal. However, the appeal stood dismissed on delay. A prayer has been made that the assessee is in a position to lay claim over full TDS credit which is supported by the relevant Form 16, salary vouchers and other documents etc. as placed in the paper-book on record. The Ld. CIT-DR pleaded that the appeal has been dismissed for want of condonation of inordinate delay.

3. It emerges that the assessee was employed with M/s Trimax IT Infrastructure & Services Ltd. The assessee filed return of income at Rs.18.41 Lacs which was processed u/s 143(1) wherein TDS credit of only Rs.79,030/- was allowed as against assessee's TDS claim of Rs.3,91,241/-resulting in demand of Rs.3,36,373/-. The assessee sought rectification from time-to-time before CPC which did not fructify and finally, the assessee preferred first appeal. However, the first appeal stood dismissed in *limine* being time-barred. Aggrieved, the assessee is in further appeal before us.

4. It could be observed that the assessee was pursuing rectification before CPC which did not fructify. Left with no option, the assessee preferred further appeal. On these facts, the delay should have been condoned. Nevertheless, we find that full TDS credit has not been granted since assessee's employer has deducted TDS but has not remitted the same to the revenue. Accordingly, full TDS credit is not

reflecting in Form 26AS of the assessee and credit thereof has not been allowed in full to the assessee. In support of her claim, the assessee has furnished salary slips, Form 16, bank statements & other documents in the paper-book which would establish that TDS was deducted by the employer against salary payments and net salary was remitted to the assessee. In such a case, the ratio of decision of Hon’ble High Court of Gujarat in the case of **Gayatri Snehal Rao (168 Taxmann.com 466)** would squarely apply to the facts of the present case before us. The Hon’ble Court held that wherein the employer of the assessee deducted tax at source from salary income of assessee but did not deposit the same with the government, AO could not have raised any demand against assessee in view of provisions of Sec. 205 read with CBDT's Instruction No. 275 dated 01-06-2015. This decision has been confirmed by Hon’ble Supreme Court on 06.02.2026 which is reported as 183 Taxmann.com 657. The department’s SLP has been dismissed considering the earlier decision in **Shobhan Shantilal Doshi (182 Taxmann.com 555; dated 12.01.2026).**Respectfully following the same, we would hold that the assessee would be entitled for full TDS credit as deducted by assessee’s employer. The Ld. AO is directed to verify the same and allow credit of the same to the assessee.

5. The appeal stand allowed.

Order pronounced on 18th June, 2026

Sd/-	Sd/-
(PAWAN SINGH)	**(MANOJ KUMAR AGGARWAL)**
JUDICIAL MEMBER	**ACCOUNTANT MEMBER**

ANKIT, PS

Dated: 18.06.2026

<u>आदेश की प्रतिलिपि अग्रेषित /Copy of the Order forwarded to</u> :

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकरआयुक्त/CIT
4. विभागीयप्रतिनिधि/DR
5. गार्डफाईल/GF

ASSISTANT REGISTRAR

ITAT MUMBAI