

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH: 'SMC-I' NEW DELHI**

BEFORE SMT DIVA SINGH, JUDICIAL MEMBER

**I.T.A .No.-1818/Del/2014
(ASSESSMENT YEAR-2008-09)**

Kohli Intercontinental, A-64, Shivalik Malviya Nagar, New Delhi. PAN-AAAFK5195J (APPELLANT)	vs	CIT, New Delhi. (RESPONDENT)
--	----	---

Appellant by	Sh.V.C.Gautam, FCA
Respondent by	Dr.B.R.R.Kumar, Sr.DR

Date of Hearing	09.09.2015
Date of Pronouncement	23 .09.2015

ORDER

The present appeal has been filed by the assessee assailing the correctness of the order dated 27.01.2014 of CIT(A)-VI, New Delhi pertaining to 2008-09 assessment year on various grounds. However, at the time of hearing the Ld. AR was required to address why the defect notice issued to the assessee on 16.10.2014 by the Registry has not been acted upon by curing the defect pointed out. The Ld. AR stated that he was not aware that the appeal was defective and an opportunity to cure the same may be provided. The record further shows that the appeal came up for hearing on different dates on which occasions it was largely adjourned on the request of the assessee. In view of the same, in the afore-mentioned peculiar facts and circumstances, I am of the view that the assessee may not be serious in pursuing the appeal as a result thereof the appeal has remained defective. In the result, the appeal of the assessee is dismissed in limine with liberty to the assessee in case it is serious in pursuing the appeal to take appropriate corrective actions. In such an eventuality, the assessee would be at liberty to pray for a recall of this order. The Co-ordinate Bench considering the petition if so moved, if so satisfied that the defects have been cured may recall this order. The said order was pronounced in the open Court in the presence of the parties at the time of hearing.

2. In the result, the appeal of the assessee is dismissed in limine.

The order is pronounced in the open court on 23rd of September, 2015.

**Sd/-
(DIVA SINGH)
JUDICIAL MEMBER**

Dated: 23/09/2015

Amit Kumar

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

ASSISTANT REGISTRAR
ITAT NEW DELHI