

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

**BEFORE S/SHRI N.S SAINI , ACCOUNTANT MEMBER
AND PAVAN KUMAR GADALE, JUDICIAL MEMBER**

ITA No.378/CTK/2014
Assessment Year : 2010-2011

M/s. Orissa Sponge Iron & Steel Ltd., OSIL House, Gangadhar Meher Marg, Bhubaneswar.	Vs.	ACIT, Circle-1(1), Bhubaneswar
PAN/GIR No. AAACO 2568 G		
(Appellant)	..	(Respondent)

Assessee by : None
Revenue by : Shri S.K.Das, CIT DR

Date of Hearing : 08/06/ 2017
Date of Pronouncement : 08/06/ 2017

ORDER

Per N.S.Saini, AM

This is an appeal filed by the assessee against the order of CIT(A)-1, Bhubaneswar, dated 21.7.2014, for the assessment year 2010-2011 .

2. The assessee has raised the following grounds of appeal:

"1. For that the learned Commissioner of Income Tax (Appeals) is wholly unjustified to hold that the minutes filed about resolution of dispute between the management and representatives of NESCO is an additional evidence, and his refusal to admit such vital piece of evidence while disallowing the addition of Rs. 1,61,25,813/- being prior period expenses tantamounts to denial of justice on technical grounds and his conclusion that the electricity expenses were not crystallised during the impugned assessment year has resulted in

miscarriage of justice of his such order is illegal, bad in law and vitiated being against the principles of natural justice and should be interfered with in the facts and circumstances of the case.

2. For that the learned Commissioner of Income Tax (Appeals) order confirming addition of Rs. 1,61,25,813/- being prior period expenses crystallized and finalized during the year is arbitrary, illogical and against **the** principles of natural justice and unsustainable in the facts and circumstances of the case.

3. For that the learned Commissioner of Income Tax (Appeals) erred in law and facts to confirm disallowance of bad and doubtful debts amounting to Rs.58,03,619/- written off during the year on flimsy and hyper-technical reasons, is bad in law, arbitrary and vitiated and should be fully allowed in the facts and circumstances of the case."

3. Notice of hearing was sent to the assessee company by Speed Post on 24.5.2017 fixing the date of hearing on 8.6.2017. None was present on behalf of the assessee when the case was called for hearing and neither any adjournment application was filed. Hence, the Bench proceeded to dispose of the appeal of the assessee after considering the materials available on record and submission of Id D.R.

4. We find that in Ground Nos.1 & 2 of the appeal, the grievance of the assessee is that the CIT(A) did not admit the additional evidence filed by the assessee before him which comprised of copy of minutes of Representatives of NESCO dated 21.8.2009 on the ground that same was not submitted before the Assessing Officer. Hence, the prayer of the assessee is that the said additional evidence should be admitted and thereafter the appeal of the assessee should be decided.

5. In the above facts and circumstances of the case, we are of the considered view that in order to render substantial justice in the matter, the appeal of the assessee is required to be restored to the file of the CIT(A) with a direction to admit the additional evidence filed by the assessee and thereafter adjudicate the

issue as per law with regard to disallowance of Rs.1,61,25,813/- being prior period expenses.

6. As we have restored the issue involved in Ground Nos.1 & 2 of the appeal to the file of the CIT(A) for adjudication of the same afresh, we deem it fit to restore ground of the assessee regarding disallowance of bad and doubtful debts of Rs.58,03,619/- to the file of the CIT(A) for adjudication of the same afresh. We do so and hence, the appeal of the assessee is allowed for statistical purposes.

7. In the result, the appeal filed by the assessee is allowed for statistical purposes.

Order pronounced in the open court on 08 /06/2017 in the presence of parties.

Sd/-

sd/-

(Pavan Kumar Gadale)
JUDICIALMEMBER

(N.S Saini)
ACCOUNTANT MEMBER

Cuttack; Dated 08 /06/2017
B.K.Parida, SPS

Copy of the Order forwarded to :

1. The Appellant : M/s. Orissa Sponge Iron & Steel Ltd., OSIL House, Gangadhar Meher Marg, Bhubaneswar.
2. The Respondent. ACIT, Circle-1(1), Bhubaneswar
3. The CIT(A)-1, Bhubaneswar
4. Pr.CIT-1, Bhubaneswarfs
5. DR, ITAT, Cuttack
6. Guard file.
//True Copy//

BY ORDER,

SR.PRIVATE SECRETARY
ITAT, Cuttack