

**IN THE INCOME TAX APPELLATE TRIBUNAL
KOLKATA 'SMC' BENCH, KOLKATA**

[Before Sri J. Sudhakar Reddy, Accountant Member]

I.T.A. No. 228/Kol/2018
Assessment Year: 2011-12

Mercury Fund Management Co. Ltd.....Appellant
3 Great Eastern Hotel
Old Court House Street
Kolkata - 700 069
[PAN : AAECM 0223 C]

Income Tax Officer, Ward-2(1), Kolkata.....Respondent
P-7, Chowringhee Square
Aaykar Bhawan
Kolkata - 700 069

Appearances by:

Shri Manoj Kataruka, Advocate, appeared on behalf of the assessee.
Shri Pijush Mukherjee, Addl. CIT, DR appearing on behalf of the Revenue.

Date of concluding the hearing : May 3rd, 2018
Date of pronouncing the order : May 16th, 2018

O R D E R

Per J. Sudhakar Reddy :-

This appeal filed by the assessee is directed against the order of the Id. Commissioner of Income Tax (Appeals)-15, Kolkata, (hereinafter the 'Id. CIT (A)'), passed u/s 250 of the Income Tax Act, 1961 (the 'Act'), dt. 18/12/2017, relating to the Assessment Year 2011-12.

2. In this case, I find that the Id. First Appellate Authority, has passed an *ex-parte* order. The assessee has demonstrated before me that he was prevented by sufficient cause from appearing before the Id. CIT(A) on the date of hearing. The Id. D/R, submitted that it would be appropriate if the assessment is set aside to the file of the Assessing Officer as this case would require verification of some of the evidences filed by the assessee.

3. In view of the above submissions, we set aside the matter to the file of the Assessing Officer for fresh adjudication, in accordance with law.

4. In the result, appeal of the assessee is allowed for statistical purposes.

Kolkata, the 16th day of May, 2018.

Sd/-

[J. Sudhakar Reddy]
Accountant Member

Dated : 16.05.2018
{SC SPS}

Copy of the order forwarded to:

**1. Mercury Fund Management Co. Ltd
3 Great Eastern Hotel
Old Court House Street
Kolkata - 700 069**

**2. Income Tax Officer, Ward-2(1), Kolkata
P-7, Chowringhee Square
Aaykar Bhawan
Kolkata - 700 069**

3. CIT(A)-

4. CIT- ,

5. CIT(DR), Kolkata Benches, Kolkata.

True copy

By order

Senior Private Secretary
Head of Office/ D.D.O. ITAT, Kolkata Benches