

3. Before the Assessing officer, neither the assessee nor its representative filed any submissions and the Assessing officer passed an ex-parte order declaring the assessee as 'assessee in default'. However, in appeal before the CIT(A), the assessee submitted that so far as the interest payments made to M/s Kotak Mahindra Bank was concerned, the same were exempt from the purview of section 194A of the Act being falling under the exemption clause of section 194A(3)(i)(a) of the Act as the Kotak Mahindra Bank was a banking company to which the Banking Regulation Act, 1949 applies. The second submission of the assessee has been that so far as the interest payment made to Mahindra and Mahindra Financial Services Ltd was concerned, that the said company in its return of income had taken into account the interest received from the assessee. The Ld. CIT(A), however, dismissed the appeals of the assessee on merits vide order dated 26.7.2017 on the ground that the assessee had not furnished the return of income of the payee u/s 139 of the Act.

4. Being aggrieved, the assessee filed M.A. u/s 154 of the Act and sought to furnish the PAN Number and status of one of the payee Kotak Mahindra Bank being a banking Financial Company. The Ld. CIT(A), however, dismissed the application filed u/s 154 of the Act holding that the assessee had not furnished the above details during the appellate proceedings.

5. After considering the rival contentions of the parties, we are of the view, that the Ld. CIT(A) should not have dismissed the appeals of the assessee. That the assessee had already pleaded that the