

*IN THE INCOME TAX APPELLATE TRIBUNAL  
KOLKATA BENCH "A" KOLKATA*

Before **Shri P.M.Jagtap, Accountant Member** and  
**Shri S.S.Viswanethra Ravi, Judicial Member**

**ITA No.487/Kol/2016**  
Assessment Year:2008-09

Simplex Commercial Pvt. Ltd., 4, Addition Basantala, 4 <sup>th</sup> Floor, Kolkata-700 007 [PAN No.AALCS 8625 M]	बनाम/ V/s.	Income Tax Officer, Ward-6(1), P-7, Chowringhee Square, Kolkata-69
अपीलार्थी /Appellant	..	प्रत्यर्थी /Respondent

अपीलार्थी की ओर से/By Appellant	Shhi Subash Agarwal, Advocate
प्रत्यर्थी की ओर से/By Respondent	Shri Sallong Yadun. Addl. CIT-DR
सुनवाई की तारीख/Date of Hearing	10-05-2018
घोषणा की तारीख/Date of Pronouncement	04-07-2018

**आदेश /O R D E R**

PER S.S.Viswanethra Ravi, Judicial Member:-

This appeal by the assessee against the order dated 18.01.2016 passed by Commissioner of Income Tax (Appeals)-2, Kolkata for assessment year 2008-09.

2. After hearing both parties we find that assessee has raised paid-up share capital of ₹ 2.895 crores including premium and to verify the genuineness of said transactions, identity and creditworthiness of the shareholders, the Assessing Officer issued notice u/s 131 of the Income Tax Act, 1961, in short 'the Act' to the Directors of shareholding companies. On perusal of the assessment record, we find that none appeared in response to said notice. In view of same, taking into consideration the submissions of the Learned AR we deem it appropriate to remit the matter to the file

of Assessing Officer for his fresh adjudication. The assessee is at liberty to file all evidence in respect of issue as discussed in para-4 of the assessment order. Thus, ground No. 1 & 2 raised by assessee are allowed for statistical purpose.

**3. In the result, assessee's appeal is allowed for statistical purpose.**

Order pronounced in open court on 04/07/2018

Sd/-  
(लेखा सदस्य)  
(P.M.Jagtap)  
Accountant Member

Sd/-  
(न्यायिक सदस्य)  
(S.S.Viswanethra Ravi)  
Judicial Member

\*Dkp-Sr.PS

दिनांक:- 04/07/2018 कोलकाता / Kolkata

**आदेश की प्रतिलिपि अग्रेषित / Copy of Order Forwarded to:-**

1. अपीलार्थी/Appellant-Simplex Commercial Pvt Ltd, Adi Basantala, 4<sup>th</sup> Fl, Kol-07
2. प्रत्यर्थी/Respondent-ITO Ward-6(1), P-7, Chowringhee Sq, Kolkata-69
3. संबंधित आयकर आयुक्त / Concerned CIT
4. आयकर आयुक्त- अपील / CIT (A)
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण कोलकाता / DR, ITAT, Kolkata
6. गार्ड फाइल / Guard file.

/True Copy/

By order/आदेश से,

Sr. Private Secretary,  
Head of Office/DDO  
आयकर अपीलीय अधिकरण,  
कोलकाता