

**IN THE INCOME TAX APPELLATE TRIBUNAL
KOLKATA BENCH "D", KOLKATA**

**BEFORE SH. J.SUDHAKAR REDDY, ACCOUNTANT MEMBER AND
SH. A.T.VARKEY, JUDICIAL MEMBER**

ITA No.1662/KOL/2017
[Assessment Year: 2011-12]

M/s. Goldline Dealers Pvt.Ltd., C/o-Mukesh I Gupta & Co., 7A Bentick Street, Old Wing, 2 nd Floor, Kolkata-700001. PAN-AAECG0745M	vs	ITO, Ward-6(2), Kolkata.
(Appellant)		(Respondent)
Appellant by	Sh. Sunil Surana, Adv.	
Respondent by	Sh. A. K.Tiwari, CIT DR	
Date of Hearing	31.07.2018	
Date of Pronouncement	30.08.2018	

ORDER

PER J.SUDHAKAR REDDY, ACCOUNTANT MEMBER

This appeal filed by the assessee against the order dated 17.04.2017 passed by CIT(A)-7, Kolkata for AY 2011-12.

2. The assessee is a company and filed its return of income on 22.02.2012 declaring total loss of Rs.45,698/-. The AO passed an order u/s 143(3) of the Income Tax Act, 1961 (in short "Act") determining the total income at Rs. 12,18,50,000/- inter alia making an addition u/s 68 of the Act. On appeal, the First Appellate Authority confirmed the addition in an ex-parte order.

3. Ld. Counsel for the assessee submitted that there was violation of principle of natural justice and no notices were served to the assessee. He pleaded that the AO has also not given adequate opportunity to the assessee and just because persons having appeared in response to summons u/s 131, the addition was made. He relied on certain case laws and submitted that the issue may be restored to the file of the AO for fresh adjudication in accordance with law.

4. Ld. DR on the other hand strongly opposed the contention of the assessee and submitted that, the assessee has not cooperated in the proceedings without prejudice to the above argument, alternatively he submitted that if the Bench decides to set aside the matter, it should be sent back to the Ld.CIT(A), as an ex-parte order was passed by him.

5. After hearing the rival contentions, and as the Ld.CIT(A) has passed an ex-parte order, the issue is restored to this file of the AO for fresh adjudication in accordance with law as the assessee has satisfied us that it was prevented by sufficient cause from appearing before Ld.CIT(A). Ld.CIT(A) in his wisdom may call for a Remand Report from the AO if he so desires.

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

Order pronounced in the open court on 30.08.2018.

**Sd/-
(A.T.VARKEY)
JUDICIAL MEMBER**

**Sd/-
(J.SUDHAKAR REDDY)
ACCOUNTANT MEMBER**

Date:-30.08.2018

Amit Kumar

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1. Appellant- M/s. Goldline Dealers Pvt. Ltd., C/o-Mukesh I Gupta & Co., 7A Bentick Street, Old Wing, 2nd Floor, Kolkata-700001.
1. Respondent-ITO, Ward-6(2), Kolkata.
2. CIT-Kolkata
3. CIT(Appeals)-Kolkata
4. DR: ITAT-Kolkata Benches

Sr.P.S./H.O.O
ITAT, KOLKATA