

**आयकर अपीलीय अधिकरण, चण्डीगढ़ न्यायपीठ, "ए", चण्डीगढ़**  
**IN THE INCOME TAX APPELLATE TRIBUNAL**  
**DIVISION BENCH, 'A', CHANDIGARH**

**श्री संजय गर्ग, न्यायिक सदस्य एवं श्रीमती अन्नपूर्णा गुप्ता, लेखा सदस्य**  
**BEFORE SHRI SANJAY GARG, JUDICIAL MEMBER AND**  
**Ms. ANNAPURNA GUPTA, ACCOUNTANT MEMBER**

आयकर अपील सं./ ITA No. 667/CHD/2018

निर्धारण वर्ष / Assessment Year : 2012-13

Sh. Krishan Gopal, Kesari Gas Service, Super Complex, Near Dhuri Railway Crossing, Link Road, Ludhiana	बनाम	The ITO, Ward 6(4), Ludhiana
स्थायी लेखा सं./PAN NO: ABPTG5051B		
अपीलार्थी/Appellant		प्रत्यर्थी/Respondent

निर्धारिती की ओर से/Assessee by : Shri Subhash Aggarwal, Advocate

राजस्व की ओर से/ Revenue by : Smt.Chanderkanta, Sr.DR

सुनवाई की तारीख/Date of Hearing : 05.11.2018

उदघोषणा की तारीख/Date of Pronouncement : 16.11.2018

**आदेश/Order**

**Per Sanjay Garg, Judicial Member:**

The present appeal has been preferred by the against the order dated 16.3.2018 of the Commissioner of Income Tax (Appeals)-3, Ludhiana [hereinafter referred to as CIT(A)].

2. The assessee in this appeal has not only agitated the action of the CIT(A) in passing the ex-parte order without considering the written submissions filed by the assessee but has also agitated confirmation of disallowance of interest paid on alleged interest free advances.

3. The contention of the Ld. Counsel for the assessee is that the assessee had own sufficient funds to meet those interest free advances. The Ld. counsel, at this stage, has stated that though the amount of disallowance of interest has been mentioned in the first ground of appeal as Rs. 2,62,603/-, however, another disallowance of interest of Rs. 1,97,536/- inadvertently has remained to be included while agitating the action of the CIT(A) in confirming the aforesaid disallowance.

4. We have gone through the impugned order of the CIT(A) and found that though the assessee had filed written submissions before the Ld. CIT(A), even the Ld. CIT(A) has reproduced the aforesaid written submissions in the impugned order, however, the Ld. CIT(A) without deciding the issue on merits has simply dismissed the appeal of the assessee for non-representation. We, therefore, agree with the contention of the Ld. Counsel for the assessee that the assessee had filed written submissions before the Ld. CIT(A) and the Ld. CIT(A) ought to have considered the same.

5. In view of this, the impugned order of the CIT(A) is set aside and the matter is restored to the file of the CIT(A) with a direction to decide the grounds / issues raised before us i.e. regarding the disallowance of interest of Rs. 2,62,603/- and further disallowance of Rs. 1,97,586/- on account of interest free advances given by the assessee. The Ld. CIT(A) will give proper opportunity of hearing to the assessee, consider the submissions, if any, filed before him and then to decide the appeal of the assessee on merits.

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

Order pronounced in the Open Court on 16.11.2018

Sd/-

(अन्नपूर्णा गुप्ता / ANNAPURNA GUPTA)

लेखा सदस्य/ Accountant Member

**Dated : 16.11.2018**

“आर.के.”

Sd/-

(संजय गर्ग / SANJAY GARG)

न्यायिक सदस्य/ Judicial Member

आदेश की प्रतिलिपि अग्रेषित/ Copy of the order forwarded to :

1. अपीलार्थी/ The Appellant
2. प्रत्यर्थी/ The Respondent
3. आयकर आयुक्त/ CIT
4. आयकर आयुक्त (अपील)/ The CIT(A)
5. विभागीय प्रतिनिधि, आयकर अपीलीय आधिकरण, चण्डीगढ़/ DR, ITAT, CHANDIGARH
6. गार्ड फाईल/ Guard File

आदेशानुसार/ By order,

सहायक पंजीकार/ Assistant Registrar