

IN THE INCOME TAX APPELLATE TRIBUNAL
KOLKATA BENCH "A", KOLKATA
BEFORE SH. J.SUDHAKAR REDDY, ACCOUNTANT MEMBER
AND
SH. S.S.VISWANETHRA RAVI, JUDICIAL MEMBER

ITA No.1737/KOL/2017
(ASSESSMENT YEAR-2012-13)

Aradhana Greenfield Developers Pvt.Ltd., S.S.Chamber, 2 nd Floor, 5, Princep Street, Kolkata-700072. PAN-AAMCS2979K	vs	ITO, Ward-1(4), Kolkata.
(Appellant)		(Respondent)
Appellant by	Sh.Subash Agarwal, Advocate	
Respondent by	Sh.Robin Choudhary, Addl. CIT.Sr.DR	
Date of Hearing	24.10.2018	
Date of Pronouncement	16.11.2018	

ORDER

PER S.S. VISWANETHRA RAVI, JUDICIAL MEMBER

This appeal by the assessee against the order dated 23.03.2017 passed by CIT(A)-9, Kolkata for AY 2012-13.

2. Heard both parties and perused the material available on record. It is noted from the record in order to verify the genuineness of share capital and share premium, the AO issued notices to Directors of the assessee company as well as Directors of subscribing companies. According to the AO in spite of all such notices, neither the Directors of the assessee company nor the Directors of the share Investing Companies are appeared before him to prove the genuineness of the transactions. The contention of Ld. AR is that the AO issued notices at the fag end

of assessment proceedings and placed on record notices dated 30.01.2015 issued by the AO to M/s Subham Buildwell Pvt.Ltd.; M/s. Narantak Dealcomm Ltd.; Infinity BNKe Infocity Pvt.Ltd. and the assessee company and argued that there was no opportunity for the assessee as well as the investing company to prove identity, genuineness of transactions and creditworthiness. Taking into consideration the submissions of Ld. AR and in the facts and circumstances of the case and in the interests of justice, we deem it proper to remand the matter to the file of AO for his fresh consideration. Thus, Grounds raised by the assessee are allowed for statistical purposes.

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

Order pronounced in the open court on 16 .11.2018.

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

**Sd/-
(S.S.VISWANETHRA RAVI)
JUDICIAL MEMBER**

Date:- 16.11.2018

Amit Kumar

Copy forwarded to:

1. Appellant- Aradhana Greenfield Developers Pvt.Ltd., S.S.Chamber, 2nd Floor, 5, Princep Street, Kolkata-700072.
2. Respondent- ITO, Ward-1(4), Kolkata.
3. CIT-Kolkata
4. CIT(Appeals)-Kolkata
5. DR: ITAT -Kolkata Benches

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