

आयकर अपीलिय अधीकरण, न्यायपीठ – “A” कोलकाता,
*IN THE INCOME TAX APPELLATE TRIBUNAL
KOLKATA BENCH “A” KOLKATA*

Before **Shri S.S.Godara, Judicial Member** and
Shri, M. Balaganesh, Accountant Member

ITA No.1507/Kol/2017
Assessment Year :2013-14

M/s Park Lather Company, 79, Mufidul Islam Lane, Topsia, Kolkata-700 006 [PAN No.AAIFP 5359 D]	V/s.	ACIT, Circle-31, 10B, Middleton Row, 3 rd Floor, Kolkata-71
अपीलार्थी /Appellant	..	प्रत्यर्थी/Respondent

अपीलार्थी की ओर से/By Appellant	Shri Miraj D Shah, Advocate
प्रत्यर्थी की ओर से/By Respondent	Shri Pradip Majumdar, Addl. CIT-SR-DR
सुनवाई की तारीख/Date of Hearing	26-12-2018
घोषणा की तारीख/Date of Pronouncement	31-12-2018

आदेश /O R D E R

PER S.S.Godara, Judicial Member:-

This assessee's appeal for assessment year 2013-14 arises against Commissioner of Income Tax (Appeals)-9 Kolkata's order dated 23.03.2017 passed in case No.359/CIT(A)-9/Cir-31/2015-16/Kol involving proceedings u/s 143(3) of the Income Tax Act, 1961; in short 'the Act'.

Heard both the parties. Case file perused.

2. The assessee's sole substantive grievance challenges both the lower authorities action disallowing / adding its short term capital loss of ₹5,62,63,659/- in the course of assessment as affirmed in CIT(A)'s lower appellate order passed *ex parte*. We notice at the outset that the CIT(A)'s order has stated to have issued three hearing notice(s) 02.11.2016, 22.12,2016 & 22.03.2017 before upholding Assessing Officer's action disallowing assessee's capital loss in issue. It is an admitted fact that CIT(A)

has simply affirmed the impugned disallowance in page-2 vide very very critic findings not even discussing the relevant facts of the case followed by a detailed adjudication as contemplated u/s 250(6) of the Act. We therefore restore the instant lis back to the CIT(A) for afresh adjudication on merits after affording adequate opportunity of hearing to the assessee.

3. This assessee's appeal is accepted for statistical purposes.

Order pronounced in the open court 31/12/2018

Sd/-
(लेखा सदस्य)
(M.Balaganesh)
(Accountant Member)
Kolkata,
*Dkp, Sr.P.S

Sd/-
(न्यायिक सदस्य)
(S.S.Godara)
(Judicial Member)

दिनांक:- 31/12/2018 कोलकाता ।

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

1. अपीलार्थी/Appellant-M/s Park Leather Co. 79, Mufidul Islam Lane, Topsia, Kolkakata-006
2. प्रत्यर्थी/Respondent-ACIT, Cir-31, 10B Middleton Row, 3rd Floor,Kolkata-071
3. संबंधित आयकर आयुक्त / Concerned CIT Kolkata
4. आयकर आयुक्त- अपील / CIT (A) Kolkata
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, कोलकाता / DR, ITAT, Kolkata
6. गार्ड फाइल / Guard file.

/True Copy/

By order/आदेश से,

उप/सहायक पंजीकार
आयकर अपीलीय अधिकरण,
कोलकाता ।