

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

[Before Sri P.M. Jagtap, Vice President, KZ & Sri S.S. Viswanethra Ravi, Judicial Member]

**I.T.A. No. 2161/Kol/2016
Assessment Year: 2012-13**

Income Tax Officer, Ward-12(2), Kolkata.....Appellant

***Maharaja Traders (P) Ltd.....Respondent
58A, Raja Basant Roy Road
Kolkata - 700 029
[PAN : AAHCM 2759 E]***

Appearances by:

Shri Subash Agarwal, Advocate appeared on behalf of the assessee.

Shri Sankar Halder, JCIT Sr. D/R, appearing on behalf of the Revenue.

Date of concluding the hearing : January 3rd, 2019

Date of pronouncing the order : January 16th 2019

O R D E R

Per S.S. Viswanethra Ravi, JM :-

This appeal filed by the assessee is directed against the order of the ld. Commissioner of Income Tax (Appeals) - 4, Kolkata, (hereinafter the 'ld. CIT (A)'), passed u/s 250 of the Income Tax Act, 1961 (the 'Act'), dt. 26/08/2016, for the Assessment Year 2012-13.

2. Heard rival contentions and perused the material available on record. The issue raised by the revenue is relating to share capital and premium to an extent of Rs.2,01,00,000/-.

3. The ld. D/R contends that there is no representation on behalf of the assessee for the objections raised by the Assessing Officer in the assessment proceedings and as such the Assessing Officer having no option completed the assessment u/s 144/143 of the Act. The ld. CIT(A), without seeking any remand report from the Assessing Officer deleted the addition made by the Assessing Officer u/s 68 of the Act.

4. The ld. A/R submits that all the relevant details filed before the Assessing Officer and the observation that no such details have been filed before him in the assessment proceedings is incorrect. The ld. D/R contends that as there was no

opportunity before the Assessing Officer to examine relevant details concerning the addition involved, prayed to remand the matter back to the file of the Assessing Officer. The Id. A/R, did not dispute the same. Therefore taking into consideration the submissions of the Id. D/R and A/R and the facts of circumstances and the additions involved therein in the interest of justice, we deem it proper to remand the matter to the file of the Assessing Officer for his fresh consideration. The assessee is at liberty to file evidence, if any, in support of its claims. The assessee is directed to appear before the Id. Assessing Officer, within 20 days from the receipt of this order, take notice and thereafter co-operate for early disposal of the appeal. Accordingly, the grounds raised by the assessee are allowed for statistical purposes.

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

Kolkata, the 16th day of January, 2019.

Sd/-
[P.M. Jagtap]
 Vice President

Sd/-
[S.S. Viswanethra Ravi]
 Judicial Member

Dated : 16.01.2019
 {SC SPS}

Copy of the order forwarded to:

1. Maharaja Traders (P) Ltd

**58A, Raja Basant Roy Road
 Kolkata - 700 029**

2. Income Tax Officer, Ward-12(2), Kolkata

3. CIT(A)-

4. CIT- ,

5. CIT(DR), Kolkata Benches, Kolkata.

True copy

By order

Assistant Registrar
 ITAT, Kolkata Benches