

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

**Before Shri P.M. Jagtap, Vice-President (KZ)
and Shri Satbeer Singh Godara, Judicial Member**

**I.T.A. No. 1359/KOL/2018
Assessment Year: 2012-2013**

***M/s. Raudramukhi Marketing Pvt. Limited,.....Appellant
6, Pahtaghar Road, Panihati,
Kolkata-700 014
[PAN: AAFCR 6556 A]***

-Vs.-

***Income Tax Officer,.....Respondent
Ward-14(3), Kolkata,
Aayakar Bhawan Poorvar,
110, Shanti Pally, Kolkata-700 107***

Appearances by:

N o n e, for the Appellant

Shri Radheshyam, CIT, D.R., for the Respondent

Date of concluding the hearing : February 11, 2019

Date of pronouncing the order : February 11, 2019

O R D E R

Per Shri P.M. Jagtap, Vice-President (KZ):-

This appeal filed by the assessee is directed against the order of Id. Commissioner of Income Tax (Appeals)-5, Kolkata dated 30.09.2016 passed ex-parte whereby he dismissed the appeal of the assessee for non-prosecution.

2. The assessee in the present case is a Company, which is carrying on financial business. The return of income for the year under consideration was filed by it on 28.09.2012 declaring total income of Rs.2,180/-. In the assessment completed under section 143(3) vide an order dated 28.03.2015, the total income of the assessee was determined by the Assessing Officer at Rs.44,89,11,841/- after making, *inter alia*, an addition of Rs.44,88,92,500/- under section 68 by treating the share capital and share premium amount received by the assessee-company

during the year under consideration to that extent as unexplained cash credit.

3. Against the order passed by the Assessing Officer under section 143(3), an appeal was preferred by the assessee before the Id. CIT(Appeals) and since there was no satisfactory compliance to the notices issued by him fixing the said appeal for hearing from time to time, the Id. CIT(Appeals) dismissed the appeal of the assessee vide his appellate order dated 30.09.2016 passed ex-parte. Aggrieved by the order of the Id. CIT(Appeals), the assessee has preferred this appeal before the Tribunal.

4. At the time of hearing fixed today, none has appeared on behalf of the assessee. It is, however, pointed out by the assessee in the ground specifically raised that the notices of hearing fixed by the Id. CIT(Appeals) were sent to the wrong address and the same, therefore, could not be served on the assessee resulting into non-compliance and this position which is clearly evident even from the impugned order of the Id. CIT(Appeals) is not disputed even by the Id. D.R. He has contended that this matter may, therefore, be sent back to the Id. CIT(Appeals) for disposing of the appeal of the assessee afresh on merit after giving the assessee proper and sufficient opportunity of being heard. We find merit in the contention of the Id. D.R. The impugned order of the Id. CIT(Appeals) passed ex-parte is accordingly set aside and the matter is restored to the file of the Assessing Officer for deciding the same afresh on merit after giving the assessee proper and sufficient opportunity of being heard.

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

Order pronounced in the open Court on February 11, 2019.

Sd/-
(Satbeer Singh Godara)
Judicial Member

Sd/-
(P.M. Jagtap)
Vice-President (KZ)

Kolkata, the 11th day of February, 2019

- Copies to :
- (1) ***M/s. Raudramukhi Marketing Pvt. Limited,
6, Pahtaghar Road, Panihati,
Kolkata-700 014***
 - (2) ***Income Tax Officer,
Ward-14(3), Kolkata,
Aayakar Bhawan Poorvar,
110, Shanti Pally, Kolkata-700 107***
 - (3) *Commissioner of Income Tax (Appeals)-5, Kolkata,*
 - (4) *Commissioner of Income Tax- ,*
 - (5) *The Departmental Representative*
 - (6) *Guard File*

By order

*Assistant Registrar,
Income Tax Appellate Tribunal,
Kolkata Benches, Kolkata*

Laha/Sr. P.S.