

*IN THE INCOME TAX APPELLATE TRIBUNAL  
KOLKATA BENCH "SMC" KOLKATA*

Before **Shri S.S, Godara, Judicial Member**

<b>ITA No.1516/Kol/2018</b> Assessment Year:2014-15
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M/s Tribeni Industries Pvt. Ltd. 89/1 Salkia School Road, Bandhaghat, Howrah-711106 [PAN No.AABCT 2604 H]	बनाम/ V/s.	Income Tax Officer, Ward-3(2), P-7, Chowringhee Square, 7 <sup>th</sup> Floor, Kolkata-69
अपीलार्थी /Appellant	..	प्रत्यर्थी /Respondent

अपीलार्थी की ओर से/By Appellant	Shri M.D. Shah, Advocate
प्रत्यर्थी की ओर से/By Respondent	Shri C.J. Singh, JCIT-SR-DR
सुनवाई की तारीख/Date of Hearing	25-02-2019
घोषणा की तारीख/Date of Pronouncement	28-02-2019

**आदेश /O R D E R**

This assessee's appeal for assessment year 2014-15, arises against the Commissioner of Income-tax (Appeals)-1, Kolkata's order dated 22.06.2018 passed in case No.59754764120017/CIT(A)-1/Kol./DCIT.Cir.3(1)/1016-17, 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 ground raised in the instant appeal challenges both the lower authorities' respective action finalize ex parte treating the share application money in issue amounting to ₹16,87,859/- as unexplained cash credits u/s 68 of the Act. It transpires during the course of hearing that Assessing Officer had issued notice to the assessee on 20.12.2016 for producing the necessary evidence. He completed the impugned assessment on 23.12.2016 thereby giving a very very short time for necessary compliance. Same appears to be the case in lower appellate

proceedings wherein the assessee put in appearance on 05.06.2018 only. The CIT(A) adjourned the matter for 14.06.2018 and 22.06.2018 and upheld the impugned addition under challenge.

3. Learned Departmental Representative fails to indicate in the CIT(A)'s order that assessee have actually served the relevant notice of hearing on 22.06.2018. Coupled with this, CIT(A) has not adjudicated the sole issue herein on merits after a detailed discussion as contemplated u/s 250(6) of the Act. I therefore deem it appropriate in these facts and circumstances to restore the instant lis back to the Assessing Officer for afresh adjudication as per law after affording three effective opportunity of hearing to the taxpayer.

4. This assessee's appeal is accepted for statistical purposes in above terms.

Order pronounced in open court on 28/02/2019

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

Kolkata,

\*Dkp/Sr.PS

दिनांक:- 28/02/2019 कोलकाता

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

1. अपीलार्थी/Appellant-M/s Tribeni Industries Pvt. Ltd. 89/1, Salkia School Road, Bandhaghat, Howrah-711106
2. प्रत्यर्थी/Respondent-ITO Ward-3(2), P-7, Chowringhee Sq, 7<sup>th</sup> Fl, Kolkata-69
3. संबंधित आयकर आयुक्त / Concerned CIT
4. आयकर आयुक्त- अपील / CIT (A)
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 ।