

IN THE INCOME TAX APPELLATE TRIBUNAL KOLKATA BENCH '(SMC)', KOLKATA
[Before Shri P.M. Jagtap, Vice President, KZ]

I.T.A. No. 1212/Kol/2019

Assessment Year: 2014-15

Dynasty Tradelink Pvt. Ltd......*Appellant*
C/o. Anupama Das, Avilasha Apartment,
Kalitala Prasastha, Near Ankurhati Check Post,
Howrah - 711 302.
[PAN: AACCD 7561 JJ]

VS

Income Tax Officer.....*Respondent*
Ward - 9(1), Kolkata,
Kolkata - 700 069.

Appearances by:

Shri Raja Ram Chowdhary, CA appearing on behalf of the Assessee.

Shri Jayanta Khanra, JCIT, Sr. DR appearing on behalf of the Revenue.

Date of concluding the hearing : October 24, 2019

Date of pronouncing the order : October 24, 2019

ORDER

This appeal filed by the assessee is directed against the order of Ld. CIT(A) - 15, Kolkata dated 28.03.2019 whereby he dismissed the appeal of the assessee for non-prosecution.

2. The assessee in the present case is a company which filed its return of income for the year under consideration on 30.03.2015 declaring a total income of Rs. 1,86,977/-. In the assessment completed u/s 143(3) vide an order dated 28.12.2016, the total income of the assessee was determined by the AO at Rs. 29,70,107/- after making an addition of Rs. 27,53,328/- to the total income of the assessee by disallowing its claim for exemption on account of long term capital gain arising from the sale of shares and treating the proceeds of such sale as unexplained cash credit u/s 68. The AO also made a further addition of Rs. 29,802/- to the total income of the assessee by way of disallowance u/s 14A read with Rule 8D.

3. Against the order passed by the AO u/s 143(3) of the Act, an appeal was preferred by the assessee before the Ld. CIT(A) and since there was no satisfactory compliance on the part of the assessee to the notices issued by him fixing the said appeal for hearing from time to time, the Ld. CIT(A) dismissed the appeal of the assessee for non-prosecution vide his appellate order dated 28.03.2019 passed ex-parte. Aggrieved by the order of the Ld. CIT(A), the assessee has preferred this appeal before the Tribunal.

4. I have heard the arguments of both the sides and also perused the relevant material available on record. In support of the preliminary issue raised by the assessee in this appeal challenging the impugned order passed by the Ld. CIT(A) ex-parte dismissing the appeal for non-prosecution, the learned counsel for the assessee has submitted that none of the notices issued by the Ld. CIT(A) fixing the appeal for hearing from time to time was ever received by the assessee and such non-receipt of notices resulted into non-appearance of the assessee before the Ld. CIT(A). Since this submission made by the learned counsel for the assessee is duly supported by an affidavit filed by the director of the assessee-company affirming the relevant fact on oath, I am satisfied that there was a sufficient cause for the non-appearance of the assessee when its appeal was called for hearing before the Ld. CIT(A). Even the learned DR has not raised any objection in this regard. I, therefore, set aside the impugned order passed by the Ld. CIT(A) ex-parte dismissing the appeal of the assessee for non-prosecution and remit the matter back to him for deciding the appeal of the assessee afresh on merit by passing a well discussed and well reasoned order after giving the assessee proper and sufficient opportunity of being heard. As undertaken by the learned counsel for the assessee, the assessee shall

make due compliance before the Ld. CIT(A) and shall extend all the possible cooperation in order to enable the Ld. CIT(A) to dispose of the appeal expeditiously.

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

Order Pronounced in the Open Court on 24th October, 2019.

Sd/-
(P.M. Jagtap)
VICE PRESIDENT

Dated: 24/10/2019
Biswajit, Sr. PS

Copy of order forwarded to:

1. Dynasty Tradelink Pvt. Ltd., C/o. Anupama Das, Avilasha Apartment, Kalitala Prasastha, Near Ankurhati Check post, Howrah – 711 302.
2. ITO, Ward-9(1), Kolkata.
3. The CIT(A)
4. The CIT
5. DR

True Copy,

By order,

Assistant Registrar / H.O.O.
ITAT, Kolkata