

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

**I.T.A. No. 1480/Kol/2019**  
Assessment Year: 2015-16

***NPR Infosystems Pvt. Ltd.....Appellant***  
***Near Pragati Maidan Police Station,***  
***1002, E.M. Bypass,***  
***Kolkata - 700 105.***  
***[PAN: AABCN 5569 K]***

***Vs***

***ACIT (OSD), Ward - 6(3), Kolkata.....Respondent***  
***P-7, Chowringhee Square,***  
***Kolkata - 700 069.***

**Appearances by:**

*Shri Anil Kochar, Advocate appearing on behalf of the Assessee.*

*Shri Dhruvajyoti Roy, JCIT, Sr. DR appearing on behalf of the Revenue.*

Date of concluding the hearing : November 13, 2019

Date of pronouncing the order : December 06, 2019

**ORDER**

This appeal filed by the assessee is directed against the order of Ld. CIT(A) - 2, Kolkata dated 11.01.2019 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 engaged in real estate business. The return of income for the year under consideration was filed by it on 27.09.2015 declaring a total income of Rs. 2,27,460/-. During the course of assessment proceedings, it was noticed by the AO that the real estate transaction was entered into by the assessee company jointly with other six concerns for purchase of a property. As per the deed of conveyance, the value of the property for the payment of stamp duty was valued by the concerned authority at Rs. 36,72,000/- while the total consideration agreed between the parties as apparent from the deed of conveyance was Rs. 16,00,000/-. There was thus difference to Rs. 20,72,000/- out of which Rs. 3,45,333/- was the share of the assessee company. When the assessee

was called upon by the AO to explain as to why the said difference should not be added to its total income u/s 43CA of the Act, it was submitted by the assessee that the market value determined for the purpose of stamp duty was on the higher side being related to the mechanized parking area. The assessee also requested that the same was required to be revalued. This stand of the assessee was not found acceptable by the AO and an addition of Rs. 3,45,333/- was made by him to the total income of the assessee u/s 43CA of the Act.

3. The addition of Rs. 3,45,333/- made by the AO u/s 43CA of the Act was challenged by the assessee in the appeal filed before the Ld. CIT(A) and since there was no compliance on the part of the assessee to the notices issued by him fixing the said appeal for hearings, the Ld. CIT(A) dismissed the appeal of the assessee for non-prosecution vide his appellate order dated 11.01.2019 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. Besides explaining the non-compliance on the part of the assessee before the Ld. CIT(A) by stating that none of the notices of hearings fixed by the Ld. CIT(A) twice was received by the assessee, the learned counsel for the assessee has also submitted that the matter relating to the valuation of the immovable property should have been referred by the AO to the DVO before making addition u/s 43CA. Since this contention of the learned counsel for the assessee is duly supported by the decision of Hon'ble Jurisdictional High Court in the case of CIT vs Umedbhai

International Pvt. Ltd. [2014] 45 taxmann.com 306 (Calcutta), I set aside the impugned order passed by the Ld. CIT(A) ex-parte and restore the matter back to the AO with the direction to decide the same afresh after getting the immovable property in question valued from the DVO.

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

Order Pronounced in the Open Court on 6<sup>th</sup> December, 2019.

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

**Dated: 06/12/2019**  
Biswajit, Sr. PS

Copy of order forwarded to:

1. NPR Infosystems Pvt. Ltd., 1002, E.M. Bypass, Near Pragati Maidan Police Station, Kolkata – 700 105.
2. ACIT (OSD), Ward – 6(3), Kolkata.
3. The CIT(A)
4. The CIT
5. DR

True Copy,

By order,

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