

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH 'F+SMC', NEW DELHI**

**BEFORE SH. R. K. PANDA, ACCOUNTANT MEMBER
AND
MS. SUCHITRA KAMBLE, JUDICIAL MEMBER**

ITA No.7998/Del/2018
Assessment Year: 2008-09

Archit Securities Pvt. Ltd. (Earliner known as Anirudh Overseas Pvt. Ltd. 26 A, Sadhna Enclave, New Delhi- 110017 PAN No. AAACA7849J	Vs.	ITO Ward- 2 (4) New Delhi
(APPELLANT)		(RESPONDENT)

Appellant by	Ms. Surbhi Goyal, CA
Respondent by	Shri Pradeep Singh Gautam, SR. DR

Date of hearing:	30/01/2020
Date of Pronouncement:	30/01/2020

ORDER

PER R.K PANDA, AM:

This appeal filed by the assessee is directed against the order dated 26.10.2018 of the CIT(A)-32, New Delhi relating to A.Y.2008-09.

2. Although a number of grounds have been raised by the assessee, these all relate to the exparte order passed by the CIT(A) confirming the determination of income of Rs.25,62,362/- by the AO as against the returned loss of Rs.292/-.

3. Facts of the case, in brief, are that the assessee is a company and filed its return of income on 22.09.2008 determining the loss at Rs.292/-. The case of the assessee was reopened u/s. 147 after recording reasons and notice u/s. 148 was issued and served on the assessee. The case was reopened on the basis of information received from the investigation wing that the assessee has taken accommodation entry of Rs. 25 lacs from M/s. Singhal Securities Pvt. Ltd., a bogus and dumb company floated by S. K. Jain group for facilitating accommodation entries on charging commission from the parties seeking such entries. The AO completed the assessment u/s. 147/143 (3) on 09.03.2016 wherein he made addition of Rs. 25 lacs taken by the assessee as accommodation entry from M/s. Singhal Securities Pvt. Ltd., Rs. 43,750/- for arranging such accommodation entry and further disallowed an amount of Rs.18,904/- u/s. 14A.

4. Since none appeared on behalf of the assessee despite service of notice the ld. CIT(A) in the exparte order passed by her dismissed the appeal filed by the assessee.

5. Aggrieved with such order of the CIT(A), the assessee is in appeal before the Tribunal.

6. We have considered the rival arguments made by both the sides, perused the orders of the AO and the CIT(A) and the paper book filed on behalf of the assessee. We find the AO in the instant case completed the assessment on a total income of Rs.25,62,362/- as against the returned loss of Rs.292/-. We find the Ld. CIT(A) in the exparte order passed by her sustained the

various additions / disallowances made by the AO. However, she has not decided the issue on merit by passing a speaking order. It is the submission of the Ld. Counsel for the assessee that in the interest of justice the assessee should be given an opportunity to substantiate its case since assessee was not given adequate opportunity. Considering the totality of the facts of the case and in the interest of justice we deem it proper to restore the issue to the file of the CIT(A) with a direction to grant one final opportunity to the assessee to substantiate its case and decide the issue as per fact and law. The assessee is also hereby directed to appear before the CIT(A) on the appointed day without seeking any adjournment under any pretext failing which the Ld. CIT(A) is at liberty to pass appropriate order as per law. We hold and direct accordingly. The grounds raised by the assessee are accordingly allowed for statistical purpose.

7. In the result, the appeal filed by the assessee is allowed for statistical purpose.

Order pronounced in the open court on 30.01.2020.

Sd/-
(SUCHITRA KAMBLE)
JUDICIAL MEMBER

Sd/-
(R.K PANDA)
ACCOUNTANT MEMBER

Neha

Date:-30.01.2020

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

ASSISTANT REGISTRAR
ITAT NEW DELHI

Date of dictation	30.01.2020
Date on which the typed draft is placed before the dictating Member	30.01.2020
Date on which the approved draft comes to the Sr.PS/PS	30.01.2020
Date on which the fair order is placed before the Dictating Member for Pronouncement	30.01.2020
Date on which the fair order comes back to the Sr. PS/ PS	30.01.2020
Date on which the final order is uploaded on the website of ITAT	30.01.2020
Date on which the file goes to the Bench Clerk	30.01.2020
Date on which file goes to the Head Clerk.	
The date on which file goes to the Assistant Registrar for signature on the order	
Date of dispatch of the Order	