

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

BEFORE MRS. DIVA SINGH, JUDICIAL MEMBER

**ITA No.2285/Del/2018
Assessment Year: 2013 -14**

M/s. Perennial Designs International Pvt. Ltd., No.13, Sri CRN Chambers, Kasturba Road, Bengaluru-560001.	Vs.	Income Tax Officer, Ward-19(4), New Delhi.
PAN :AAFCEP 2162C		
(Appellant)		(Respondent)

Appellant by	None
Respondent by	Sh. Pradeep Singh Gautam, Sr. D.R.
Date of hearing	03.02.2020
Date of pronouncement	06.02.2020

ORDER

The present appeal has been filed by the assessee wherein the correctness of the order dated 02.01.2018 of CIT(A)-New Delhi pertaining to 2013-14 assessment year on various grounds including lack of opportunity of being heard.

2. At the time of hearing, no one was present on behalf of the assessee. Considering the material available on record, it was deemed appropriate to proceed with the present appeal ex-parte qua the assessee/appellant on merits, after hearing the ld. Sr. DR

3. The relevant facts of the case are that as a result of addition made in the quantum, penalty proceedings u/s 271(1)(c) were initiated. The explanation in the penalty proceedings before the Assessing Officer was not accepted leading to the filing of appeal before the CIT(A). The assessee appears to have relied upon some

written submissions challenging the order passed on legal grounds. Since the assessee did not appear before the CIT(A) considering the material available on record, the CIT(A) confirmed the penalty order leading to the filing of the present appeal by the assessee before the Tribunal.

4. On a perusal of the impugned order, it is seen that no one was present on behalf of the assessee. On going through the grounds raised, it appears that some written submissions and oral submissions appear to have been relied upon by the assessee. Since there is no discussion thereon the assessee's right to be heard which admittedly does not appear to have been waived has been compromised. Accordingly in the interests of substantial justice, the impugned order is set aside back to the file of the Id. CIT(A) with a direction to pass a speaking order in accordance with law after giving the assessee a reasonable and effective opportunity of being heard. The assessee in its own interest, is advised to participate fully and fairly in the proceeding before the CIT(A). It is made clear that failing which the Id. Commissioner Appeals would be at liberty to pass an order on the basis of material available on record. Said order was pronounced in the open court at the time of hearing itself.

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

**The order is pronounced in the open court at the time of hearing itself
on 06th February, 2020.**

Sd/-
(DIVA SINGH)
JUDICIAL MEMBER

PK/Ps

Copy forwarded to:

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