

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH: 'I-2 + SMC' NEW DELHI**

**BEFORE MS SUCHITRA KAMBLE, JUDICIAL MEMBER,
AND
SHRI PRASHANT MAHARISHI, ACCOUNTANT MEMBER**

ITA No. 8285/DEL/2018 (A.Y 2013-14)

Golden Moments Pvt. Ltd. Inside City Park, Sector-12, Karnal, Haryana, PIN: 132001 PAN: AADCG4401D (APPELLANT)	Vs	ACIT Circle Karnal Karnal Bhawan, Sector-12 Karnal (RESPONDENT)
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Appellant by	None
Respondent by	Sh. Jagdish Singh, Sr. DR

Date of Hearing	26.02.2020
Date of Pronouncement	02.03.2020

ORDER

PER SUCHITRA KAMBLE, JM

This appeal is filed by the assessee against the order dated 31/10/2018 passed by CIT(A)- Karnal for Assessment Year 2013-14.

2. The grounds of appeal are as under:-

1. *“On the facts and in the circumstances of the case as well as in law the reopening of the assessment is ab initio void and bad in law.*
2. *On the facts and in the circumstances of the case as well as in law the impugned assessment order is without jurisdiction and bad in law*
3. *On the facts and in the circumstances of the case as well as in law the Ld. Assessing Officer grossly erred in disallowing ' 10,20,738/- U/s 40(a)(ia) of the Income Tax Act, 1961 on account of interest expenses. .*
4. *On the facts and in the circumstances of the case as well as in law the Ld. Assessing Officer grossly erred in charging interest U/s 234B and 234C of the Income Tax Act, 1961.*
5. *The Assessee crave right to add/delete/alter or modify any or all grounds of appeal*
These action of Ld. Assessing officers being Arbitrary, unjust, Illegal and

invalid in law liable to quashed and it is prayed to Your Honor that they please be quashed and/or any other relief just deem fit and proper please be directed.

Appellant Pray accordingly

3. The assessee filed its return of income on 25/09/2013 declaring income of Rs. 814780/-. The assessment u/s 143(3) was completed via order dated 31/3/2015 assessing the total income of Rs. 895362/-. The case was reopened u/s 148. The Assessing Officer made addition of Rs. 1020738/- on account of interest paid to India Bulls Housing Finance Ltd for non deduction of TDS. The assessment was completed u/s 144 at income of Rs. 1,91,61,00/-

4. Being aggrieved by the assessment order, the assessee filed appeal before the CIT(A). The CIT(A) dismissed the appeal of the assessee.

5. At the time of hearing, none appeared for the assessee and there is no application for adjournment. The notice has been duly served to the assessee. Therefore, we are proceeding on the basis of the submissions made by the assessee before the Assessing Officer as well as before the CIT(A).

6. The Ld. DR relied upon the assessment order as well as order of the CIT(A).

7. We have heard the Ld. DR and perused the material available on record. It is pertinent to mention that the CIT(A). It is pertinent to mention that the CIT(A) while confirming the order of the Assessing Officer has not at all given any reason as to how the Assessing Officer rightly adopted the value of the property as per circle rate for computation. The CIT(A) also has not taken cognizance of the evidences filed by the assessee before the Assessing Officer as well as before the CIT(A). Therefore, it will be appropriate to remand back this matter to the file of the CIT(A) for fresh adjudication. Needless to say, the assessee be given opportunity of hearing by following principles of natural

justice. Thus, appeal of the assessee is partly allowed for statistical purpose.

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

Order pronounced in the Open Court on 02nd March, 2020.

**Sd/-
(PRASHANT MAHARISHI)
ACCOUNTANT MEMBER**

**Sd/-
(SUCHITRA KAMBLE)
JUDICIAL MEMBER**

Dated: 02/03/2020
R. Naheed

Copy forwarded to:

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

ASSISTANT REGISTRAR
ITAT NEW DELHI

Date of dictation	26.02.2020
Date on which the typed draft is placed before the dictating Member	27.02.2020
Date on which the typed draft is placed before the Other Member	
Date on which the approved draft comes to the Sr. PS/PS	
Date on which the fair order is placed before the Dictating Member for pronouncement	
Date on which the fair order comes back to the Sr. PS/PS	02.03.2020
Date on which the final order is uploaded on the website of ITAT	02.03.2020
Date on which the file goes to the Bench Clerk	02.03.2020
Date on which the file goes to the Head Clerk	
The date on which the file goes to the Assistant Registrar for signature on the order	
Date of dispatch of the Order	