

IN THE INCOME TAX APPELLATE TRIBUNAL "D"

(Virtual Court Hearing), BENCH KOLKATA

BEFORE SHRI J. SUDHAKAR REDDY, AM & SHRI S. S. GODARA, JM

आयकर अपीलसं./I.T.A No.1327/Kol/2018

(निर्धारण वर्ष / Assessment Year: 2012-13)

Presidency Tradecomm Pvt. Ltd. C/o Subash Agarwal & Associates, Advocates, Siddha Gibson, 1, Gibson Lane, Suite 213, 2 nd Floor, Kolkata – 700069.	Vs.	ITO, Ward-9(3), Kolkata
स्थायी लेखासं./जीआइआरसं./PAN/GIR No.: AA ECP8893M		
(Appellant)	..	(Respondent)

Appellant by : Shri Subash Agarwal, Advocate

Respondent by : Shri Jayanta Khanra, Sr. DR, JCIT

सुनवाई की तारीख/ Date of Hearing : 17/06/2020

घोषणा की तारीख/Date of Pronouncement : 19/06/2020

आदेश / ORDER

Per Shri S. S. Godara:

This assessee's appeal for assessment year 2012-13 arises against the Commissioner of Income Tax (A) - 18, Kolkata dated 02.05.2018 passed in Case No.1247/2015-16/CIT(A)-18/Wd-9(3)/F.SLNo.2270/18-19/Kol involving proceedings u/s 143(3) of the Income Tax Act, 1961; in short 'the Act'.

Heard both the parties. Case file perused.

2. It transpires at the outset that the CIT(A)'s lower appellate order affirming the Assessing Officer's action treating the assessee's share capital/premium of Rs.1,45,00,000/- as Section 68 unexplained cash credits in assessment order dated 09.03.2015; has been passed ex parte without even indicating as to whether the relevant notice(s) of hearing stood served or not. Coupled with this, the assessee's clinching plea that it had filed voluminous documentary evidence before the Assessing Officer for proving identity, genuineness and creditworthiness of the

investor parties which has nowhere been considered. The CIT(A)'s order has also not adjudicated the issue on merits. Be that as it may, learned counsel submits that the assessee could not appear before the CIT(A) to pursue its grievance due to lack of service of notice only. We therefore deem it appropriate in this factual backdrop that larger interest of justice would be met in case the learned CIT(A) decides the matter afresh as per law. We order accordingly.

3. This assessee's appeal is allowed for statistical purposes.

Order is pronounced in the open court on 19.06.2020.

Sd/-
(J. Sudhakar Reddy)
ACCOUNTANT MEMBER

Sd/-
(S. S. Godara)
JUDICIAL MEMBER

कोलकाता /Kolkata;

दिनांक/ Date: 19/06/2020

RS

आदेशकीप्रतिलिपिअग्रेषित/Copy of the Order forwarded to :

1. The Appellant- Presidency Tradecomm Pvt. Ltd.
2. The Respondent- ITO, Ward-9(3), Kolkata
3. आयकरआयुक्त(अपील) / The CIT(A), Kolkata [sent through email]
4. आयकरआयुक्त/ CIT
5. विभागीयप्रतिनिधि, आयकरअपीलीयअधिकरण, कोलकाता/ DR, ITAT, Kolkata [sent through email]
6. गार्डफाईल / Guard file.
सत्यापितप्रति

True Copy

By Order

Assistant Registrar,
I.T.A.T, Kolkata Benches,
Kolkata.