

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.1349/Kol/2018

(निर्धारण वर्ष / Assessment Year: 2012-13)

M/s Manrup Comtrade Pvt. Ltd. 5/1, Clive Row, 4 th Floor, Room No.125, Kol-1.	Vs.	ITO, Ward-9(1), Kolkata
स्थायीलेखासं./जीआइआरसं./PAN/GIR No.: AAOCS2809N		
(Appellant)	..	(Respondent)

Appellant by : Shri Subash Agarwal, Advocate

Respondent by : Shri Dhruvdyoti Ray, DR, JCIT

सुनवाईकीतारीख/ Date of Hearing : 16/06/2020

घोषणाकीतारीख/Date of Pronouncement : 19/06/2020

आदेश / O R D E R

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 06.03.2018 passed in Case No.1115/CIT(A)-18/Kol/Wd-9(1)/2015-16/F.SLNo.2069/17-18/Kol involving proceedings u/s 144/143(3) of the Income Tax Act, 1961; in short 'the Act'.

Heard both the parties. Case file perused.

2. For the reasons stated in assessee's condonation petition explaining the delay of attributable to communication gap a compilation of necessary records as well as on account of no objection from the Revenue side, we condone 35 days' delay in filing of the instant appeal on account of circumstances beyond control. The case is now taken for adjudication on merits.

3. 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.52,75,00,000/- as Section 68 unexplained cash credits in assessment order dated 26.03.2015; has been passed ex parte without even indicating as to whether the relevant notices 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 proving identity, genuineness and creditworthiness of the investor parties which has nowhere been considered. All this has also been remained unrebutted from the Revenue side. Be that as it may, learned counsel submits that the assessee could not appear before the CIT(A) to pursue its grievance in absence of service of notice. 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. More so when there is no adjudication on merits in the CIT(A)'s ex parte order under challenge. 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- M/s Manrup Comtrade Pvt. Ltd.
2. The Respondent- ITO, Ward-9(1), 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.