

IN THE INCOME TAX APPELLATE TRIBUNAL "D"

(Virtual Court Hearing), BENCH KOLKATA

BEFORE SHRI P.M. JAGTAP, V.P & SHRI S. S. GODARA, JM

आयकर अपीलसं./I.T.A No.236/Kol/2020

(निर्धारण वर्ष / Assessment Year: 2014-15)

Riverbank Developers Pvt. Ltd. 225C, A.J.C Bose Road, 4 th Floor, Kolkata – 700020.	Vs.	DCIT-12(1), Kolkata
स्थायीलेखासं./जीआइआरसं./PAN/GIR No.: AADCR7997K		
(Appellant)	..	(Respondent)

Appellant by : Shri Akkal Dudhewala, FCA

Respondent by : Shri Imokaba Jamir, CIT

सुनवाईकीतारीख/ Date of Hearing : 10/06/2020

घोषणाकीतारीख/Date of Pronouncement : 10/07/2020

आदेश / ORDER

Per Shri S. S. Godara:

This assessee's appeal for assessment year 2014-15 arises against the Commissioner of Income Tax (A) - 4, Kolkata dated 23.12.2019 passed in Case No.118/CIT(A)-4/2019-20 involving proceedings u/s 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 seeking to explain three days' delay in filing and on account of no objection from the Revenue side, we condone the impugned delay and take up the main appeal for adjudication on merits.

3. It transpires at the outset that the CIT(A)'s order under challenge has been passed ex parte after allegedly affording four opportunities on 14.11.19, 26.11.19, 09.12.19 & 17.12.19; respectively. Learned departmental representative has also highlighted the same during the course of hearing before us. He fails to dispute that the CIT(A)'s ex parte order has not discussed the relevant factual/legal issues

as required u/s 250(6) of the Act. We proceed further and notice from a perusal of the assessment order dated 30.12.2016 as well that the Assessing Officer had issued his notice dated 27.12.2016 to the assessee proposing to disallow/add estimated losses forming part of the cost of sales. Meaning thereby that the assessee had been granted only two days time to file the relevant details even if it is presumed that it received the notice on 27.12.2015 itself. We therefore are of the view that all the assessee's substantive grounds challenging correctness of the foregoing disallowance/additions deserve to be restored back to the Assessing Officer for his fresh factual verification as per law. We order accordingly.

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

Order is pronounced in the open court on 10.07.2020.

Sd/-
(P. M. Jagtap)
VICE-PRESIDENT

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

कोलकाता /Kolkata;

दिनांक/ Date: 10/07/2020

RS

आदेशकीप्रतिलिपिअग्रेषित/Copy of the Order forwarded to :

1. The Appellant- Riverbank Developers Pvt. Ltd.
2. The Respondent- DCIT-12(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.