

*IN THE INCOME TAX APPELLATE TRIBUNAL  
KOLKATA BENCH "VIRTUAL COURT A" KOLKATA*

Before **Shri P.M.Jagtap, Vice-President** and  
**Shri S.S.Godara, Judicial Member**

**ITA No.73/Kol/2020**  
Assessment Year:2013-14

Kalashdan Realbuild Pvt. Ltd., P-3/169, Mangol Puri, New Delhi, Delhi-110083 [PAN No.AAECK 6305 K]	बनाम/ V/s.	Income Tax Officer, Ward-4(4), Aayakar Bhawan, P-7, Chowringhee Square, Kolkata-700 069
अपीलार्थी /Appellant	..	प्रत्यर्थी /Respondent

अपीलार्थी की ओर से/By Appellant	Shri P.K. Sanghai, AR
प्रत्यर्थी की ओर से/By Respondent	Shri Dhruvajyoti Ray, JCIT-SR-DR
सुनवाई की तारीख/Date of Hearing	06-10-2020
घोषणा की तारीख/Date of Pronouncement	21-10-2020

**आदेश /O R D E R**

PER S.S.Godara, Judicial Member:-

This assessee's appeal for assessment year 2013-14 arises against the Commissioner of Income Tax (Appeals)-2, Kolkata dated 21.11.2019, passed in case No. CIT(A), Kolkata-2/10462/2016-17 u/s 144 of the Income Tax Act, 1961; in short 'the Act'.

Heard both the parties. Case file perused.

2. We notice at the outset with the able assistance of both the learned representatives that the CIT(A)'s lower appellate order under challenge affirming the Assessing Officer's action treating the assessee's security premium amount of ₹74,25,000/- as unexplained cash credits u/s 68 of the Act in best judgment assessment dated 07.03.2016 has been passed *ex parte*.

3. Learned authorized representative's first and foremost plea during the course of hearing is that assessee could not appear before both the lower authorities during assessment as well as in lower appellate proceedings since there is change of its director's address from Kolkata to Delhi as given in Form No.36. This clinching aspect has gone unrebutted from the Revenue side. Learned counsel thereafter submitted that the assessee came to know about the CIT(A)'s *ex parte* order only after receiving the corresponding penalty notice proceedings. He lastly undertook to comply with the Assessing Officer's verification notice(s); if the assessee is afforded one more effective innings to prove identity, genuineness and creditworthiness of the investor parties.

4. Learned SR-DR has failed to rebut the assessee's director's address change hereinabove.

5. Faced with this factual position and more so when the assessee's director changed his address from Kolkata to Delhi, we deem it appropriate to restore its foregoing sole substantive grievance back to the Assessing Officer for afresh adjudication subject to payment of Rs.10,000/- as cost to be paid to P.M. Cares fund.. This cost is being imposed since the assessee had not appeared before the assessment authority as well. It is made clear that the assessee shall appear alongwith a copy of the instant remain directions itself on or before 31<sup>st</sup> December, 2020 and thereafter it shall be afforded three effective opportunities to prove all the three limbs (supra) of the investor party(ies) concerned.

6. This assessee's appeal is allowed for statistical purposes in above terms.

Order pronounced in open court on 21/10/2020

Sd/-  
(P.M.Jagtap)  
(उपाध्यक्ष)

Vice President

\*Dkp-Sr.PS

दिनांक:- 21/10/2020

Sd/-  
(S.S.Godara)  
(न्यायिक सदस्य)

Judicial Member

कोलकाता / Kolkata

**आदेश की प्रतिलिपि अग्रेषित / Copy of Order Forwarded to:-**

1. अपीलार्थी/Appellant-Kalashdan Realbuild Pvt. Ltd. P-3, 169, Mangol Puri,  
New Delhi, Delhi-110083
2. प्रत्यर्थी/Respondent-ITO Wd-4(4), Aayakar Bhawan, P-7, Chowringhee Square  
Kolkata-69
3. संबंधित आयकर आयुक्त / Concerned CIT
4. आयकर आयुक्त- अपील / CIT (A)
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण कोलकाता / DR, ITAT, Kolkata
6. गार्ड फाइल / Guard file.

By order/आदेश से,

/True Copy/

सहायक पंजीकार  
आयकर अपीलीय अधिकरण,  
कोलकाता ।