

**IN THE INCOME TAX APPELLATE TRIBUNAL,  
MUMBAI BENCH "E", MUMBAI**

**BEFORE SHRI RAJESH KUMAR, ACCOUNTANT MEMBER AND  
SHRI PAVAN KUMAR GADALE, JUDICIAL MEMBER**

**ITA No.2810/M/2016  
Assessment Year: 2011-12**

M/s. Silveroak Finstock Pvt. Ltd., A/603, Raj Laxmi Apartment, Padma Nagar Chikuwadi, Borivali (West), Mumbai – 400 092 <b>PAN: AAKCS4784J</b>	Vs.	ITO-9(3)(2), Mumbai
(Appellant)		(Respondent)

**Present for:**

Assessee by : Shri Pramod Kumar Parida, A.R.  
Revenue by : Shri Amit Pratap Singh, D.R.

Date of Hearing : 20.10.2020  
Date of Pronouncement : 27.10.2020

**ORDER**

**Per Rajesh Kumar, Accountant Member:**

The present appeal has been preferred by the assessee against the order dated 25.01.2016 of the Commissioner of Income Tax (Appeals) [hereinafter referred to as the CIT(A)] relevant to assessment year 2011-12.

2. The assessee has filed revised ground of appeal vide letter dated 15.11.2019 wherein the assessee has challenged the order of Ld. CIT(A) on various grounds. The assessee has also filed application for admission of additional evidences dated 17.09.2019 under rule 29 of Income Tax Appellate Tribunal Rules 1963. In the additional evidences the assessee has filed

confirmations of share application money, the details of deposits of money into bank, ledger accounts of various accounts and affidavits of directors. The Ld. A.R. prayed before the Bench that the additional evidences being filed before the bench have a direct bearing on the issues which are challenged before this forum. The Ld. A.R. submitted that these evidences could not be filed before the authorities below due to the reasons which were beyond the control of the assessee. The Ld. A.R. submitted before the Bench that these evidences could not be filed before the authorities below as the CA of the assessee who was representing the matter died abruptly and new consultant was appointed in his place. The Ld. A.R., therefore, prayed that the appeal of the assessee may kindly be restored to the file of the AO so that the issues involved could be decided after taking into account these additional evidences.

3. The Ld. D.R, on the other hand, strongly opposed the admission of additional evidences by the assessee at this stage as these were not filed before the AO as well as the Ld. CIT(A) and therefore prayed before the Bench that the application for additional evidences may kindly be dismissed.

4. After hearing both the parties and perusing the materials on record especially the application of assessee for admission of additional evidences dated 17.09.2019, we note that these evidences are very crucial and important for proper adjudication of the issues as raised before us. Therefore we are inclined to admit the additional evidences in the interest of justice. Since these evidences were not before the authorities below and the issues have been decided sans these evidences, therefore, in the

interest of justice we are of the view that the appeal should be restored to the file of the AO so that these evidences could be examined by the AO and the issues are decided accordingly as per facts and law. Accordingly we restore the matter to the file of the AO with the direction to decide the same after taking into account the additional evidences which the assessee may file after affording reasonable opportunity to the assessee. The assessee is directed to co-operate in the proceedings before the AO and also directed to file all the necessary evidences so that the issues could be adjudicated in a seamless manner.

5. The appeal of the assessee is allowed for the statistical purposes.

**Order pronounced in the open court on 27.10.2020.**

**Sd/-**  
**(Pavan Kumar Gadale)**  
**JUDICIAL MEMBER**

**Sd/-**  
**(Rajesh Kumar)**  
**ACCOUNTANT MEMBER**

Mumbai, Dated: 27.10.2020.

\* Kishore, Sr. P.S.

Copy to: The Appellant  
The Respondent  
The CIT, Concerned, Mumbai  
The CIT (A) Concerned, Mumbai  
The DR Concerned Bench

//True Copy//

By Order

Dy/Asstt. Registrar, ITAT, Mumbai.