

**IN THE INCOME TAX APPELLATE TRIBUNAL
BANGALORE BENCH ' A '**

**BEFORE SHRI N. V. VASUDEVAN, VICE PRESIDENT AND
SHRI A. K. GARODIA, ACCOUNTANT MEMBER**

I.T.A. No. 2553/Bang/2018
(Assessment Year: 2015 – 16)

M/s. Altius Equipments,
No. 282, M. K. P. Road,
Padmanabhnagar,
Bangalore - 560070
PAN : AAWFA5055F

..... Appellant.

Vs.

ITO, ward 7 (2) (4),
Bangalore

..... Respondent.

Assessee By : Shri B. S. Balachandran, Advocate
Revenue By : Shri Manjeet Singh, Addl. CIT DR
Date of Hearing : 03.02.2020.
Date of Pronouncement : 20.02.2020.

O R D E R

Per A. K. Garodia, A.M. :

This appeal is filed by the assessee and it is directed against the order passed by the CIT(A) – 7, Bangalore dt. 13.07.2018.

2. Although the assessee has raised as many as seven grounds but the grievance is only one about addition made by the AO of Rs. 64 lacs on this basis that the assessee could not establish genuineness and creditworthiness of a creditor of this amount.

3. In course of hearing, learned AR of the assessee submitted that the addition was made by the AO on this basis that necessary confirmation of the concerned creditor was not filed before him. He submitted that the confirmation was filed by the assessee before CIT (A) as an additional evidence but it was not admitted by CIT (A). He submitted that in the interest of justice, the same should be admitted and the matter may be remanded to CIT (A) for a fresh decision after considering the additional evidence and after providing reasonable opportunity of being heard to the

assessee. Learned DR of the revenue supported the orders of the lower authorities.

4. We have considered the rival submissions. We find force in the submissions of the learned AR of the assessee and in the interest of justice, we admit that the additional evidence and remand the matter to CIT (A) for a fresh decision after considering the additional evidence and after providing reasonable opportunity of being heard to both sides. In view of this decision, no adjudication on merit is called for at the present stage and we make no comment on merit.

5. In the result, Assessee's appeal is allowed for statistical purposes. Order pronounced in the open court on the date mentioned on the caption page.

Sd/-
(N. V. VASUDEVAN)
Vice President
Bangalore,

Sd/-
(ARUN KUMAR GARODIA)
Accountant Member

Dated, the February, 2020.

/MS/

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|---------------|------------------------|
| 1. Appellant | 4. CIT (A) |
| 2. Respondent | 5. DR, ITAT, Bangalore |
| 3. CIT | 6. Guard file |

By order

Assistant Registrar,
Income Tax Appellate Tribunal,
Bangalore.