

IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCHES : G : NEW DELHI
(Through Virtual Court Hearing)

BEFORE SHRI R.K. PANDA, ACCOUNTANT MEMBER
AND
MS SUCHITRA KAMBLE, JUDICIAL MEMBER

ITA No.1012/Del/2019
Assessment Year: 2014-15

Pandit Realtor P. Ltd.,
16A/1102, Vasundhara,
Ghaziabad,
UP.

Vs DCIT,
Circle-19(2),
New Delhi.

PAN : AADCP6893N

(Appellant)

(Respondent)

Assessee by	:	None
Revenue by	:	Shri Ajay Kumar, Sr.DR
Date of Hearing	:	17.11.2020
Date of Pronouncement	:	17.11.2020

ORDER

PER R.K. PANDA, AM:

This appeal filed by the assessee is directed against the *ex parte* order dated 20th January, 2018 of the CIT(A)-7, New Delhi, relating to assessment year 2014-15.

2. The assessee in its various grounds of appeal has challenged the order of the CIT(A) sustaining various additions made by the AO.

3. Facts of the case, in brief, are that the assessee is a company and filed its return of income on 06.11.2014 declaring total income at Rs.50,64,580/-. The AO completed the assessment u/s 143(3) of the Act on 22nd December, 2016, determining the total income of the assessee at Rs.2,00,80,767/- wherein he made the following additions:-

a) Unexplained share subscription	-	Rs.1,00,00,000/-
b) Unexplained cash deposits	-	Rs.37,00,000/-
c) Disallowance of ROC fee	-	Rs.76,491/-
d) Disallowance of interest on TDS	-	Rs.2,836/-
e) Disallowance of loss on car Verna	-	Rs.1,57,995/-
f) Diwali Expenses	-	Rs.8,28,865/-
g) Business promotion and telephone expenses	-	Rs.2,50,000/-

4. Subsequently, the AO initiated penalty proceedings u/s 271(1)(c) of the Act and, thereafter, levied penalty of Rs.46,56,630/- u/s 271(1)(c) of the Act being the minimum penalty leviable on account of addition of unexplained share subscription of Rs.1 crore and unexplained cash deposit of Rs.37 lakhs

5. Since none appeared before him, the Id.CIT(A), in his *ex parte* order, confirmed the penalty levied by the AO and dismissed the appeal filed by the assessee.

6. Aggrieved with such order of the CIT(A), the assessee is in appeal before the Tribunal.

7. We have heard the rival arguments made by both the sides and perused the orders of the authorities below. It is an admitted fact that due to non-appearance before the CIT(A), the Id.CIT(A) sustained the penalty levied by the AO u/s 271(1)(c). Considering the totality of the facts of the case and in the interest of justice, we deem it proper to restore the issue to the file of the CIT(A) with a direction to grant one final opportunity to the assessee to substantiate its case and decide the issue as per fact and law. The assessee is also hereby directed to appear before the Id.CIT(A) and substantiate its case, failing which the Id.CIT(A) is at liberty to pass appropriate order as per law. We hold and direct accordingly. The grounds raised by the assessee are accordingly allowed for statistical purposes.

8. In the result, the appeal is allowed for statistical purposes.

Decision was pronounced on conclusion of Virtual Hearing on 17th November, 2020 itself.

Sd/-

(SUCHITRA KAMBLE)
JUDICIAL MEMBER

Sd/-

(R.K. PANDA)
ACCOUNTANT MEMBER

Dated: 17th November, 2020.

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Copy forwarded to :

1. Appellant
2. Respondent
3. CIT
4. CIT(A)
5. DR

Asstt. Registrar, ITAT, New Delhi