

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.1212/Del/2019
Assessment Year: 2015-16

Blue Coast Hotels Ltd.,
415-417, Antriksh Bhawan,
Connaught Place,
New Delhi.

Vs ACIT,
Circle-5(1),
New Delhi.

PAN : AAACM0037G

(Appellant)

(Respondent)

Assessee by

: Shri Rohit Jain, Advocate

Revenue by

: Ms Shivani Bansal, 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 31st December, 2018 of the CIT(A)-2, 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 30th September, 2015 declaring a loss of Rs.12,08,80,745/-. The AO completed the assessment u/s 143(3) of the Act determining the total income of the assessee at Rs.9,25,00,603/- wherein after allowing unabsorbed depreciation of equal amount, determined the total income of the assessee at Rs.nil. the AO in the order has made addition of Rs.55,67,640/- being interest free loan given to subsidiary companies and Rs.20,78,13,708/- on account of disallowance u/s 14A. In appeal, the Id.CIT(A) in the *ex parte* order passed by him, upheld the additions made by the AO.

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

5. 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 the assessee did not appear before the CIT(A) on 20.11.2018 and on the next date of hearing i.e., 6th December, 2018 filed an application of adjournment. However, on the next date of hearing i.e., on 28th December, 2018, the assessee did not appear before the CIT(A) for which he passed the *ex parte* order dismissing the appeal of the assessee. From the above, it is seen that despite three opportunities granted by the CIT(A), the assessee did not appear before him for which he passed the *ex parte* order sustaining the addition made by the AO. 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 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.

6. 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