

*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.2119/Kol/2019
Assessment Year:2012-13

M/s Virtuous Dealers Pvt. Ltd., 16, Ganesh Chandra Avenue, 2 nd Floor, Kolkata-700 013 [PAN No.AABCV 0403 A]	<u>बनाम/</u> V/s.	Income Tax Officer, Ward-2(4), Aaykar Bhawan, P-7, Chowringhee Square, 8 th Floor, Kolkata-69
अपीलार्थी /Appellant	..	प्रत्यर्थी /Respondent

अपीलार्थी की ओर से/By Appellant	None
प्रत्यर्थी की ओर से/By Respondent	Shri Dhruvajyoti Ray, JCIT-DR
सुनवाई की तारीख/Date of Hearing	08-10-2020
घोषणा की तारीख/Date of Pronouncement	07-12-2020

आदेश /O R D E R

PER S.S.Godara, Judicial Member:-

This assessee's appeal for assessment year 2012-13 arises against the Commissioner of Income Tax (Appeals)-17, Kolkata's order dated 19.07.2019, passed in case No. 492/CIT(A)-17/Kol/17-18 involving proceedings u/s 143(3) of the Income Tax Act, 1961; in short 'the Act'.

Case called twice. None appears at the assessee's behest. It is accordingly proceeded *ex parte*.

2. With the able assistance of learned departmental representative we notice at the outset that the CIT(A)'s lower appellate order under challenge *inter alia* affirming the Assessing Officer's action treating the assessee's share capital / premium sum of

₹1,50,00,000/- as unexplained cash credits u/s 68 followed by the sec. 14A r.w.s. Rule 8D disallowance of ₹67,715/-, has been passed *ex parte* without dealing with the corresponding detailed documentary evidence available in the case file as it is evident from a perusal of the assessment order dated 16.03.2015 passed u/s 143(3) of the Act.

3. We observe in this factual backdrop that the CIT(A)'s lower appellate order has failed to confirm to the statutory requirement of framing of points of determination followed by a detailed adjudication u/s. 250(6) of the Act. We accordingly deem it appropriate to restore the instant *lis* back to the CIT(A) for his afresh appropriate adjudication as per law within three effective opportunities of hearing. Ordered accordingly.

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

Order pronounced in open court on 07/12/2020

Sd/-
(P.M.Jagtap)
(उपाध्यक्ष)
Vice President

Sd/-
(S.S.Godara)
(न्यायिक सदस्य)
Judicial Member

*Dkp-Sr.PS

दिनांक:- 07/12/2020 कोलकाता / Kolkata

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

1. अपीलार्थी/Appellant-M/s Virtuous Dealers Pvt. Ltd., 16, Ganesh Chandra Avenue
2nd Floor, Kolkata-700 013
2. प्रत्यर्थी/Respondent-ITO Wd-2(4), Aaykar Bhawan, P-7, 7th Floor, Chowringhee
Square, Kolkata-700 069
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 ।