

IN THE INCOME TAX APPELLATE TRIBUNAL "B"
(Virtual Court Hearing), BENCH KOLKATA

Before Sri J. Sudhakar Reddy, Accountant Member & Sri A. T. Varkey, Judicial Member

I.T.A. No.16 /KOL/2020
(Assessment Year: 2010-11)

M/s India Finance Limited.....Appellant
9, Ezra Street, Top Floor,
Room No.47,
Kolkata-700 001.
[PAN :AAACI5527M]

ITO, Ward-8(4), Kolkata.....Respondent

Appearances by:

Shri Manoj Kataruka, A/R, appeared on behalf of the Appellant.
Shri Imokaba Jamir, CIT, appeared on behalf of the Respondent.

Date of concluding the hearing : December 17, 2020

Date of pronouncing the order : January 14, 2021

ORDER

Per J. Sudhakar Reddy :-

This appeal is filed by the assessee directed against the order of Commissioner of Income Tax(Appeals)-7, Kolkata (hereinafter the 'Id. CIT(A)') passed u/s 250 of the Income Tax Act, 1961 (the 'Act') for the assessment year 2010-11.

2. After hearing rival contentions, we find that the Assessing Officer has passed an ex parte order u/s 144 of the Act and that the Id. CIT(A) has also passed ex parte order. At the stage of assessment proceedings as well as at the appellate proceedings, notices were not served on the assessee. The Id. DR, though, not leaving his ground ultimately submitted that the issue may be restored to the file of the Assessing Officer for fresh adjudication as certain facts have to be verified by the Assessing Officer and as adequate opportunity was not granted to the assessee in the proceedings.

3. In view of the above submissions, we set aside this appeal to the file of the Assessing Officer for fresh adjudication in accordance with law. The Assessing

Officer shall grant adequate opportunity to the assessee and thereafter dispose of the case on merits de novo in accordance with law.

4. In the result, the appeal of the assessee is allowed for statistical purposes.

Kolkata, the 14th January, 2021.

Sd/-
[A. T. Varkey]
Judicial Member

Sd/-
[J. Sudhakar Reddy]
Accountant Member

Dated : 14.01.2021
RS

Copy of the order forwarded to:

1. (i) *M/s India Finance Limited*
2. *ITO, Ward-8(4), Kolkata*
3. CIT(A)-
4. CIT- ,
5. CIT(DR),

True copy

By order

Assistant Registrar , Kolkata Benches