

आयकर अपीलिय अधिकरण, "सी" न्यायपीठ, चेन्नई
IN THE INCOME-TAX APPELLATE TRIBUNAL 'C' BENCH, CHENNAI
श्री धुव्वुरु आर.एल रेड्डी, न्यायिक सदस्य एवं श्री एस जयरामन, लेखा सदस्य के समक्ष
Before Shri Duvvuru RL Reddy, Judicial Member &
Shri S. Jayaraman, Accountant Member

आयकर अपील सं./I.T.A. No.201/Chny/2020
निर्धारण वर्ष/**Assessment Year:2009-10**

M/s. L&B Infrastructure Developers,
4A, Stringers Street,
Chennai 600 003.
[PAN: AADFL2928D]

The Income Tax Officer,
Vs. Non Corporate Ward 9(1),
Chennai.

(अपीलार्थी /Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से / Appellant by : Shri Shreyans Mehta, Advocate
प्रत्यर्थी की ओर से/Respondent by : Shri G. Johnson, Addl. CIT
सुनवाई की तारीख/ Date of hearing : 04.01.2021
घोषणा की तारीख /Date of Pronouncement : 06.01.2021

आदेश /O R D E R

PER DUVVURU RL REDDY, JUDICIAL MEMBER:

This appeal filed by the assessee is directed against the order of the Id. Commissioner of Income Tax (Appeals) 10, Chennai dated 26.11.2019 relevant to the assessment year 2009-10. Besides challenging confirmation of addition made towards unexplained credits, the assessee also disputed the exparte order passed by raising specific ground.

2. Brief facts of the case are that the assessee filed its return of income for the assessment year 2009-10 manually on 31.03.2010 admitting an income of

₹.5,321/-. However, on the basis of information received from the DDIT (Inv) that a sum of ₹.1,05,00,000/- was routed through M/s. L & B Infrastructure Developers. Accordingly, notice under section 148 of the Income Tax Act was issued.

2.1 As per the information received from the Investigation Department, an amount of ₹.1,05,00,000/- was routed through M/s. L&B Infrastructure Developers and the same should be assessed in the hands of the partner Shri Rajesh Bajaj. A letter was addressed to the ITO Corporate Ward I(2) in this regard. Accordingly, the same was taxed in the hands of Shri Rajesh Bajaj. However, the ITO, Corporate Ward I(2), Chennai has informed that a sum of ₹.1,25,00,000/- was transferred on 30.03.2009 to the firm M/s. L & B Infrastructure Developers by Shri Rajesh Bajaj vide cheque Nos. 056901 to 056904, which was verified with the bank account of the assessee. Accordingly, the assessee was asked to furnish the details of investments. After considering the submissions of the assessee and since the genuineness of the fund transfer was not proved by way of any supporting documents for utilization of funds, the Assessing Officer treated the same as unexplained credit and brought to tax. On appeal, the Id. CIT(A) confirmed the addition.

3. On being aggrieved, the assessee is in appeal before the Tribunal.

4. We have heard both the parties through video conferencing, perused the materials available on record and gone through the orders of authorities below. On perusal of the appellate order, we find that the AR of the assessee filed an adjournment request on 21.11.2019, but not filed any details as called for and thereby the Id. CIT(A) concluded the appellate order on 26.11.2019 dismissing the appeal of the assessee. Before us, the Id. Counsel has prayed that one more opportunity of being heard to the assessee may be granted to represent his case before the Id. CIT(A). In view of the above, we set aside the order of the Id. CIT(A) and direct him to afford one more opportunity of being heard to the assessee to represent his case. The assessee is also directed to cooperate with the Department, failing which, the appellate order already concluded shall stand confirmed.

5. In the result, the appeal filed by the assessee is allowed for statistical purposes.

Order pronounced on the 06th January, 2021 at Chennai.

Sd/-
(S JAYARAMAN)
ACCOUNTANT MEMBER

Sd/-
(DUVVURUL RL REDDY)
JUDICIAL MEMBER

Chennai, Dated, the 06.01.2021

Vm/-

आदेश की प्रतिलिपि अग्रेषित/Copy to: 1. अपीलार्थी/Appellant, 2. प्रत्यर्थी/ Respondent, 3. आयकर आयुक्त (अपील)/CIT(A), 4. आयकर आयुक्त/CIT, 5. विभागीय प्रतिनिधि/DR & 6. गार्ड फाईल/GF.