

IN THE INCOME TAX APPELLATE TRIBUNAL  
HYDERABAD BENCH "B", HYDERABAD  
(Through Virtual Hearing)

BEFORE SMT. P. MADHAVI DEVI, JUDICIAL MEMBER  
AND  
SHRI A. MOHAN ALANKAMONY, ACCOUNTANT MEMBER

ITA No. 1613/Hyd/2019		
A.Y. 2014-15		
KNR Contractors Private Limited, Hyderabad. PAN: AADCK 7749 J	Vs.	Deputy Commissioner of Income Tax, Circle-2(1), Hyderabad.
(Appellant)		(Respondent)
Assessee by:	Shri Samuel Nagadesi	
Revenue by:	Shri Rohit Mujumdar, DR	
Date of hearing:	22/03/2021	
Date of pronouncement:	07/04/2021	

ORDER

PER A. MOHAN ALANKAMONY, AM.:

This appeal is filed by the assessee against the order of the ld. CIT (A)-2, Hyderabad in appeal No.10279/2016-17/CIT(A)-2, dated 23/09/2019 passed U/s. 143(3) r.w.s 250(6) of the Act for the AY: 2014-15.

2. The assessee has raised three grounds in its appeal and they are extracted herein below for reference:-

- "1. *On the facts and in the circumstances of the case the order of the Ld. CIT(A) is erroneous in law and facts of the case.*

2. *On the facts and in the circumstances of the case the Ld. CIT(A) ought not to have confirmed the Arbitrary addition of Rs. 16,91,360/- of tax thereon.*
3. *The appellant craves leave to add to, alter, modify, delete, amend, substitute all or any of the above grounds.”*

3. At the outset, the Ld. AR submitted before us that the Ld. CIT(A) had passed ex-parte order without providing proper opportunity to the assessee of being heard. Ld. AR further submitted that while making the addition of Rs. 16,91,360/- the Ld. A.O. also did not consider the explanations and evidence submitted by the assessee and determined the total income of the assessee at Rs. 1,12,75,640/- against the returned income of Rs. 95,84,280/-. It was therefore pleaded that the assessee may be provided with one more opportunity to pursue his case before the Ld. AO. Ld. DR on the other hand objected to the submissions of the Ld. AR and argued that sufficient opportunities had been provided to the assessee, however, on the given dates of hearing, neither the assessee nor its Representative appeared before the Ld. CIT (A). Ld. DR further submitted that even before the Ld. A.O though the assessee was provided with proper opportunity, the assessee failed to adduce cogent evidence to substantiate its case. Further the assessee also failed to appear before the Ld.CIT(A) at the time of hearing the appeal. Therefore, under these circumstances, the Ld. CIT (A) had no other option but to pass ex-parte order based on the materials available on record. Hence, it was pleaded that the orders passed by the Ld. Revenue Authorities do

not call for any interference and appeal of the assessee may be dismissed.

4. We have heard the rival submissions and carefully perused the materials on record. On examining the facts of the case, We find merit in the submissions of the Ld. DR. The Ld. CIT (A) had posted the case on several occasions. However, none appeared on behalf of the assessee before the Ld. CIT(A) on the given dates of hearing. Hence, the Ld. CIT(A) was left with no other option except to pass ex-parte order based on the material available on record. In this situation, I do not find much strength in the arguments advanced by the ld. AR. However, considering the prayer and the submissions of the Ld. AR and the nature of issues involved in the appeal, in the interest of justice, We hereby remit the matter back to the file of Ld. AO for de-novo consideration thereby providing one more opportunity to the assessee of being heard. At the same breath, We also hereby caution the assessee to promptly cooperate before the Ld. Revenue Authorities in their proceedings failing which the Ld. Revenue Authorities shall be at liberty to pass appropriate orders in accordance with law and merits based on the materials on the record. It is ordered accordingly.

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

Pronounced in the open Court on the 07<sup>th</sup> April, 2021.

Sd/-  
(Smt. P. MADHAVI DEVI)  
(JUDICIAL MEMBER)

Sd/-  
(A. MOHAN ALANKAMONY)  
ACCOUNTANT MEMBER

Hyderabad, Dated: 07<sup>th</sup> April, 2021.

*OKK*

Copy to:-

- 1) KNR Contractors Private Limited, H.No. 8-3-1109/2, Flat No.102, Subadra Enclave, Srinagar Colony, Hyderabad.
- 2) Deputy Commissioner of Income Tax, Circle-2(1), Hyderabad.
- 3) The CIT(A)-2, Hyderabad.
- 4) The Principal Commissioner of Income Tax-2, Hyderabad.
- 5) The DR, ITAT, Hyderabad
- 6) Guard File