

आयकर अपीलीय अधिकरण, 'बी' न्याय पीठ, चेन्नई
IN THE INCOME TAX APPELLATE TRIBUNAL, 'B' BENCH, CHENNAI
श्री वी. दुर्गा राव, न्यायिक सदस्य एवं श्री जी. मंजुनाथ, लेखा सदस्य के समक्ष
BEFORE SHRI V.DURGA RAO, JUDICIAL MEMBER
AND SHRI G.MANJUNATHA, ACCOUNTANT MEMBER

आयकर अपील सं./I.T.A.No.1758/Chny/2018

(निर्धारणवर्ष / Assessment Year: 2013-14)

M/s. Globion India Pvt.Ltd. Jaya Enclave, 1057,Avinashi Road Coimbatore-641 018. PAN: AACCG 6839L (अपीलार्थी/Appellant)	Vs	The Income Tax Officer Corporate Ward-2 Coimbatore. (प्रत्यर्थी/Respondent)
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अपीलार्थी की ओरसे/ Appellant by	:	Mr. K.R.Vasudevan, Advocate
प्रत्यर्थी की ओरसे/Respondent by	:	Mr. Abani Kanta Nayak,CIT

सुनवाई की तारीख/Date of hearing	:	18.08.2021
घोषणा की तारीख /Date of Pronouncement	:	18.08.2021

आदेश / ORDER

PER G.MANJUNATHA, AM:

This appeal filed by the assessee is directed against the order passed by the learned Pr.CIT-1, Coimbatore u/s.263 of the Act dated 26.03.2018 and pertains to assessment year 2013-14.

2. Brief facts of the case are that the assessee is a world class vaccine maker that contributes to quality of life, health and well being of animals, filed its return of income for assessment year 2013-14 on 28.11.2013 declaring loss of Rs.2,92,58,406/-. The assessment has been completed u/s.143(3) of the Income Tax Act, 1961 on 09.03.2016 and determined total loss of Rs.2,92,58,406/-. The case has been subsequently taken up

for revision u/s.263 of the Act and accordingly, show cause notice dated 19.03.2018 was issued to the assessee asking for objections, if any, to the proposed revision. In response, the authorized representative of the assessee Mr. S.Raghu Kumar appeared on 22.03.2018 and sought adjournment. The learned Pr.CIT without considering adjournment petition filed by the assessee has passed order u/s.263 on 26.03.2018 and set aside assessment order passed by the Assessing Officer u/s.143(3) dated 09.03.2016 and directed the Assessing Officer to redo assessment, after verification of issues discussed in 263 order as per law. Aggrieved by the Pr.CIT order, the assessee is in appeal before us.

3. The learned A.R for the assessee referring to sequence of events submitted that the Pr.CIT has issued show cause notice on 19.03.2018. The assessee has filed a letter on 22.03.2018 and requested for time to produce details and to file objections for proposed revision. The Pr.CIT has passed order u/s.263 on 26.03.2018. From the above sequence of events, it is very clear that the Pr.CIT has passed order without providing reasonable opportunity of being heard to the assessee and hence, the matter may be remanded back to the

file of the Pr.CIT to reconsider the issue afresh in accordance with law.

4. The learned DR, on the other hand, strongly supporting order of the Pr.CIT submitted that the assessee has filed letter dated 22.03.2018, which was not acknowledged by the Pr.CIT and hence, on the basis of said letter, it cannot be said that the assessee has sought adjournment of hearing, because in para 4 of the Pr.CIT order, it was clearly stated that AR for the assessee appeared and made his submissions on this case.

5. We have heard both the parties, perused material available on record and gone through orders of the authorities below. Admittedly, the Pr.CIT has passed revision order u/s.263 in a hurry, which is evident from sequence of events brought out by the learned A.R for the assessee that show-cause notice was issued on 19.03.2018 and order was passed on 26.03.2018 within a span of one week, ignoring specific request made by the assessee by way of letter dated 22.03.2018 for adjournment of hearing to produce details and file objections. It is a well settled principles of law that reasonable opportunity of hearing should be provided to the assessee before completing

any proceedings including revision proceedings. In this case, the learned Pr.CIT has hurriedly passed order u/s.263 in contravention of principles of natural justice without providing reasonable opportunity of hearing to the assessee. Therefore, we are of the considered view that the issue needs to go back to the file of the learned Pr.CIT. Hence, we remand the matter to the file of the learned Pr.CIT and direct him to reconsider the issue in accordance with law, after providing reasonable opportunity of hearing to the assessee.

6. In the result, appeal filed by the assessee is treated as allowed for statistical purposes.

Order pronounced in the open court on 18th August, 2021

Sd/-
(वी. दुर्गा राव)
(V.Durga Rao)
 न्यायिक सदस्य /Judicial Member
 चेन्नई/Chennai,
 दिनांक/Dated 18th August, 2021
 DS

Sd/-
(जी. मंजुनाथ)
(G.Manjunatha)
 लेखा सदस्य / Accountant Member

आदेश की प्रतिलिपि अग्रेषित/Copy to:

1. Appellant
2. Respondent
3. आयकर आयुक्त (अपील)/CIT(A)
4. आयकर आयुक्त/CIT
5. विभागीय प्रतिनिधि/DR
6. गार्ड फाईल/GF.