

**IN THE INCOME TAX APPELLATE TRIBUNAL
MUMBAI BENCHES "D", MUMBAI**

**BEFORE SHRI PRAMOD KUMAR, HON'BLE VICE PRESIDENT AND
SHRI SAKTIJIT DEY, HON'BLE JUDICIAL MEMBER**

**ITA No. 8065/MUM/2019
Assessment Year: 2011-12**

M/s Rana Advertising & Marketing Pvt. Ltd. (Now merged with M/s Novus Tradestar Pvt. Ltd.), 147, 1 st Floor, Plot No. 154, Swadeshi Market, Dr. Vegas Street Kalbadevi, Mumbai - 400002 PAN: AADCR1518C	Vs.	Income Tax Officer – 15(3)(1), 456, Aayakar Bhavan, M.K. Road, Churchgate, Mumbai - 400020
(Appellant)		(Respondent)

Assessee by : None

Revenue by : Shri Avneesh Tiwari (CIT DR)

Date of Hearing : 12/10/2021
Date of Pronouncement: 21/10/2021

ORDER

PER SAKTIJIT DEY, JM

This is an appeal by the assessee against order dated 24.10.2019 of learned Commissioner of Income Tax (Appeals)-24, Mumbai for the assessment year 2011-12.

2. When the appeal was called for hearing, no one was present for the assessee. However, considering the fact that impugned order of learned Commissioner (Appeals) was passed ex-parte, the appeal was taken up for hearing in absence of the assessee and disposed of based on materials on record.

3. We have heard learned Departmental Representative and perused the materials on record. As stated earlier, the learned Commissioner (Appeals) has disposed of assessee's appeal ex-parte. It is noticed, the major dispute in the appeal relates to addition of Rs. 1,80,75,288/- as unexplained cash credit under section 68 of the Act. Though, learned Commissioner (Appeals) has observed that sufficient opportunity of hearing was granted to the assessee, however, considering the fact that the order was passed ex-parte and the assessee was unable to prove the genuineness of the cash credit, we are inclined to grant one more opportunity to the assessee to establish its case before learned First Appellate Authority. Accordingly, we set aside the impugned order of learned Commissioner (Appeals) and restore the issue back to his file for de novo adjudication after due opportunity of being heard to the assessee. Further, we direct the assessee to make proper representation before learned Commissioner (Appeals) and cooperate in finalizing the appeal proceeding. Grounds are allowed for statistical purposes.

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

Order pronounced in the open court on 21st October, 2021.

Sd/

(PRAMOD KUMAR)
VICE PRESIDENT

Sd/-

(SAKTIJIT DEY)
JUDICIAL MEMBER

मुंबई Mumbai; दिनांक Dated: 21/10/2021

Alindra, PS

आदेश प्रतिलिपि अग्रेषित/Copy of the Order forwarded to :

1. अपीलार्थी / The Appellant
2. प्रत्यर्थी / The Respondent.
3. आयकर आयुक्त (अपील) / The CIT(A)-
4. आयकर आयुक्त / CIT
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, मुंबई /
DR, ITAT, Mumbai
6. गार्ड फाईल / Guard file.

आदेशानुसार/ BY ORDER,

सत्यापित प्रति //True Copy//

**उप/सहायक पंजीकार (Dy./Asstt. Registrar)
आयकर अपीलीय अधिकरण, मुंबई / ITAT, Mumbai**