

IN THE INCOME TAX APPELLATE TRIBUNAL, SURAT BENCH, SURAT

BEFORE SHRI PAWAN SINGH, JM & DR. A. L. SAINI, AM

आयकरअपीलसं./ITA No.170/SRT/2017

(निर्धारणवर्ष / Assessment Years: (2013-14)

(Physical Court Hearing)

M./s Soft Touch Fabrics Pvt. Ltd., 102, First Floor, Airlon House, 2/4569 Main Road, Sagramura, Surat.	Vs.	The DCIT, Central Circle-2(1)(2), Surat.
स्थायीलेखासं./जीआइआरसं./PAN/GIR No.: AA ECS7581D		
(Assessee)		(Respondent)

Assessee by: Shri Pinaz Bhagat, CA

Revenue by: Ms Anupama Singla, Sr. DR

सुनवाईकीतारीख/ Date of Hearing : 30/12/2021

घोषणाकीतारीख/Date of Pronouncement: 31/12/2021

आदेश / O R D E R

PER DR. A. L. SAINI, ACCOUNTANT MEMBER:

The captioned appeal filed by the assessee, pertaining to Assessment Year 2013-14, is directed against the order passed by the Learned Commissioner of Income Tax (Appeals)-2, Surat [in short 'ld. CIT(A)'], in Appeal No. CAS/2/36/2016-17 dated 29.08.2017, which in turn arises out of an assessment order passed by Assessing Officer u/s 143(3) of the Income Tax Act, 1961 (hereinafter referred to as the 'Act') dated 18.03.2016.

2. At the outset itself, ld. Counsel for the assessee assailed the impugned order by contending that assessee could not represent his case before Ld. CIT(A) and the order being an *ex parte* order, stood vitiated on account of violation of principle of natural justice. The learned Counsel for the assessee submits that assessee sought adjournment on two occasions during the appellate proceedings, however on third occasion, the assessee could not appear before the ld. CIT(A) due to circumstances beyond his control. Therefore, assessee could not get opportunity to plead his case before the ld. CIT(A), therefore an another

opportunity to contest the appeal before ld. CIT(A) may be granted to the assessee.

3. Considering the above facts, we note that assessee could not plead his case successfully before the ld. CIT(A). We note that it is settled law that principles of natural justice and fair play require that the affected party is granted sufficient opportunity of being heard to contest his case. Therefore, without delving much deeper into the merits of the case, in the interest of justice, we restore the matter back to the file of Ld. CIT(A) for de novo adjudication and pass a speaking order after affording sufficient opportunity of being heard to the assessee, who in turn, is also directed to contest his stand forthwith. Therefore, we deem it fit and proper to set aside the order of the ld. CIT(A) and remit the matter back to the file of the ld. CIT(A) to adjudicate the issue afresh on merits. For statistical purposes, the appeal of the assessee is treated as allowed.

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

Order is pronounced on 31/12/2021 by placing result on notice board.

Sd/-
(PAWAN SINGH)
JUDICIAL MEMBER

Sd/-
(Dr. A.L. SAINI)
ACCOUNTANT MEMBER

सुरत /Surat / दिनांक/ Date: 31/12/2021

SAMANTA

Copy of the Order forwarded to:

1. The Assessee
2. The Respondent
3. The CIT(A)
4. CIT
5. DR/AR, ITAT, Surat
6. Guard File

By Order

// TRUE COPY //

Assistant Registrar/Sr. PS/PS
ITAT, Surat