

**IN THE INCOME TAX APPELLATE TRIBUNAL,  
DELHI BENCH: 'F' NEW DELHI**

**BEFORE SHRI SAKTIJIT DEY, JUDICIAL MEMBER  
AND  
SHRI N.K. BILLAIYA, ACCOUNTANT MEMBER**

ITA No.7906/Del/2018  
Assessment Year: 2012-13

M/s. Pearls Tourism Ltd., B-1401, 14 <sup>th</sup> Floor, Statement House, Connaught Place, New Delhi	<b>Vs.</b>	DCIT, Circle-19(2), New Delhi
<b>PAN :AAECP2314B</b>		
<b>(Appellant)</b>		<b>(Respondent)</b>

Appellant by	None
Respondent by	Sh. Atiq Ahmed, Sr.DR

Date of hearing	29.03.2022
Date of pronouncement	29.03.2022

**ORDER**

**PER SAKTIJIT DEY, JM:**

This is an appeal by the assessee against order dated 02.03.2017 of learned Commissioner of Income Tax (Appeals)-36, New Delhi, for the assessment year 2012-13.

**2.** When the appeal was called for hearing none appeared on behalf of the assessee to represent the matter. On perusal of record, it is observed, on two previous occasions when the appeal

was listed for hearing none appeared on behalf of the assessee. Hence, the Bench was compelled to adjourn the appeal. It is also observed, the hearing notices issued to the assessee through speed post have returned back unserved with postal remark "left". In fact, though, the proceedings of the Bench dated 22<sup>nd</sup> November, 2021 and 24<sup>th</sup> January, 2022 were uploaded in the official website, still, there is no response from the assessee. These facts clearly reveal the lack of interest of the assessee in pursuing the present appeal.

**3.** In view of the aforesaid, we proceed to dispose of the appeal ex-parte qua the assessee after hearing learned Departmental Representative and based on the materials available on record.

**4.** As could be seen from the grounds raised, the basic grievance of the assessee is against ex-parte disposal of the appeal by learned Commissioner (Appeals).

**5.** Briefly the facts are, the assessee, a resident company, is engaged in the business of tour and travels as well as authorized money exchanger. The assessment in case of the assessee was completed under section 144 of the Income-tax Act, 1961 (for short 'the Act') making a number of additions, which resulted in determination of total income at Rs.3,73,96,590/- as against

returned loss of Rs.31,83,623/-. The additions made by the Assessing Officer are as under:

(i)	<i>Addition of share capital under section 68</i>	<i>Rs.1,13,99,960/-</i>
(ii)	<i>Addition of share premium of under section 68</i>	<i>Rs.56,99,980/-</i>
(iii)	<i>Addition of sundry creditors under section 68</i>	<i>Rs.1,39,49,731/-</i>
(iv)	<i>Addition of unsecured loans under Section 68</i>	<i>Rs.89,00,060/-</i>
(v)	<i>Addition of ad-hoc disallowance</i>	<i>Rs.49,21,602/-</i>
(vi)	<i>Disallowance under Section 14A</i>	<i>Rs.98,718/-</i>
(vii)	<i>Advance from creditors treated as unexplained cash credit under section 68</i>	<i>Rs.1,09,457/-</i>

**6.** Contesting the additions made by the Assessing Officer, assessee preferred an appeal before learned Commissioner (Appeals). However, since the assessee failed to appear and represent its case, learned Commissioner (Appeals) disposed of the appeal ex-parte by confirming all the additions made by the Assessing Officer.

**7.** We have heard learned Departmental Representative and perused the materials on record. It is evident, neither before the Assessing Officer, nor before learned Commissioner (Appeals) the assessee appeared in course of proceedings. Thus, in absence of any supporting evidence and explanation filed by the assessee a number of additions were made by the Assessing Officer and sustained by learned Commissioner (Appeals). It is also observed from discussions of learned Commissioner (Appeals), a number of

opportunities were granted to the assessee, both in course of assessment proceeding as well as first appellate proceeding, however, there was no compliance from assessee's side. This fact, to a certain extent, does reveals that the assessee somewhere lacks interest in pursuing the tax related proceeding or is not diligent. Thus, in these circumstances, we cannot blame the departmental authorities in completing the proceedings ex-parte. However, from the observations of learned Commissioner (Appeals) in paragraph 6 of the impugned order, it is very much clear that he has disposed of the grounds raised by the assessee on merits in a summary manner, without specifically dealing with each of them on merits. More or less, as it appears from the order, learned Commissioner (Appeals) has dismissed assessee's appeal due to non-appearance, hence, he has not passed a speaking order. Considering the nature of additions made and the quantum, we are of the view that the assessee deserves one more opportunity to explain its case in the context of various additions made by the Assessing Officer with supporting evidences. For enabling the assessee to do so, we restore the issues raised in the present appeal to the file of learned Commissioner (Appeals) for de novo adjudication after providing a due and reasonable

opportunity of being heard to the assessee. The assessee is also directed to make proper representation before learned Commissioner (Appeals) and cooperate in finalizing the proceedings. In case of any further default by the assessee, learned Commissioner (Appeals) will be at liberty to dispose of the appeal based on materials on record, however, he must pass a speaking order. With the aforesaid observations, grounds are allowed for statistical purposes.

**8.** In the result, the appeal is allowed for statistical purposes.

***Order pronounced in the open court on 29<sup>th</sup> March, 2022***

***Sd/-***  
**(N.K. BILLAIYA)**  
**ACCOUNTANT MEMBER**

***Sd/-***  
**(SAKTIJIT DEY)**  
**JUDICIAL MEMBER**

Dated: 29<sup>th</sup> March, 2022.

RK/-

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(A)
5. DR

Asst. Registrar, ITAT, New Delhi