

**IN THE INCOME TAX APPELLATE TRIBUNAL “A” BENCH: KOLKATA**  
[Before Shri Rajpal Yadav, Vice-President & Shri Rajesh Kumar, Accountant Member]

**I.T.A. No. 282/Kol/2020**  
**Assessment Year : 2012-13**

Sunview Realty Pvt. Ltd. (PAN: AAQCS 8132 C)	Vs.	ITO, Ward-9(4), Kolkata
Appellant		Respondent

Date of Hearing	20.04.2022
Date of Pronouncement	09.05.2022
For the Appellant	None
For the Respondent	Shri Amol Kamat, CITDR

**ORDER**

**Per Shri Rajesh Kumar, AM:**

This is an appeal preferred by the assessee against the order of the Commissioner of Income Tax(Appeals)-18, Kolkata [hereinafter referred to as ‘Ld. CIT(A)’] dated 05.04.2018 for the assessment year 2012-13.

2. The assessee has raised various grounds challenging the confirmation of addition of Rs. 44,04,00,000/- by Ld. CIT(A) as made by the AO on account of unexplained cash credit u/s 68 of the Income Tax Act, 1961 (hereinafter referred to as the Act). This common issue in all the grounds taken by the assessee.

4. At the time of hearing when the case was called up for hearing, neither assessee nor its authorized representative was present before the Bench to attend the hearing nor any adjournment application was filed seeking adjournment of the case. We observe from the file that the counsel of the assessee is not appearing despite being through mail as well as telephonically. We therefore are deciding this appeal after considering the merits of the case and hearing the Ld. D.R.

5. We have heard the Ld. D.R and perused the material on record. We observe that the assessee has not filed any documents before the AO ,ld CIT(A) ands also

before us. We even observed from the impugned appellate order , Ld. CIT(A) decided the appeal *ex-parte* as the assessee has failed to turn up on the date of hearing despite granting fair opportunity to the assessee to present its case. Under these circumstances we have to decide the appeal on the basis of materials available before us. We have gone through the facts and tried to understand the issue with the assistance of Id DR and find that the assessee has raised share capital to the tune of Rs. 44,04,00,000/-. We note that the assessee has not filed any evidences to prove the identity and creditworthiness of the investors as well as the genuineness of the transactions and there is no materials before us to take a contrary view. Under these facts and circumstances, we do not find any reason to interfere with the decision of the Id CIT(A) as the share capital raised by the assessee remained unproved. Accordingly the appeal of the assessee is dismissed by upholding the order of Ld. CIT(A).

6. In the result, the appeal of the assessee is dismissed.

Order is pronounced in the open court on 9<sup>th</sup> May, 2022

Sd/-

(Rajpal Yadav)  
Vice-President

Sd/-

(Rajesh Kumar)  
Accountant Member

Dated: 9<sup>th</sup> May, 2022

SB, Sr. PS

Copy of the order forwarded to:

1. Appellant- Sunview Realty Pvt. Ltd., Savaliya Park, C/302, Hatkesh Mira Bhayandar Road, Near Vedant International School, Mira Road (E), Thane, Maharastra-401107
2. Respondent – ITO, Ward-9(4), Kolkata
3. CIT(A)-18, Kolkata (sent through e-mail)
4. Pr. CIT- Kolkata
5. DR, Kolkata Benches, Kolkata (sent through e-mail)

True Copy

By Order

Assistant Registrar  
ITAT, Kolkata Benches, Kolkata