

**IN THE INCOME TAX APPELLATE TRIBUNAL  
DELHI BENCH “SMC”: NEW DELHI**

**BEFORE SHRI KUL BHARAT, JUDICIAL MEMBER**

**ITA No. 6405/DEL/2016**  
**[Assessment Year: 2007-08]**

Rajinder Bhandari Prop. Prop. M/s Sagrica Trading Co., 180, East India Colony, Sector-22, Faridabad. PAN- AEUPB4951K	<u>Vs</u>	Income-tax Officer, Ward-II (4), Faridabad.
<b>APPELLANT</b>		<b>RESPONDENT</b>
<b>Appellant by</b>		Sh. Akash Deepak, CA
<b>Respondent by</b>		Sh. Om Prakash, Sr. DR
<b>Date of hearing</b>		10.05.2022
<b>Date of pronouncement</b>		23.05.2022

**ORDER**

**PER KUL BHARAT, JM:**

This appeal, by the assessee, is directed against the order of the learned Commissioner of Income-tax (Appeals), Faridabad, dated 21.09.2016, pertaining to the assessment year 2007-08. The assessee has raised following grounds of appeal:

*“1. Addition of Rs. 16,31,852/- made to income of the assessee by the assessing officer is unlawful, unjustified and uncalled for and needs to be quashed.*

*2. Addition of Rs. 7,00,000/- made to income of the assessee by the Assessing Officer is unlawful, unjustified and uncalled for and needs to be quashed.”*

2. Facts giving rise to the present appeal are that in this case return of income was originally filed by the assessee on 31.10.2007 declaring income of Rs. 1,60,097/-, which was processed u/s 143(1) of the Income-tax Act, 1961 (“the Act”). Thereafter an information was received by the Assessing officer regarding bogus sale bills amounting to Rs. 16,31,852/-. Therefore, the case of the assessee was reopened u/s 147 of the Act. A notice u/s 148 of the Act was issued. Thereafter, other statutory notices were issued. In response to the notices issued the assessee attended the proceedings and stated that the income-tax return already filed may be treated as return filed in response to notice u/s 148 of the Act. Thereafter, the Assessing Officer proceeded to frame the assessment and made addition of Rs. 16,31,852/- on account of disallowance of sundry creditors. Assessing Officer further made addition on account of unsecured loan u/s 68 of the Act amounting to Rs. 7,00,000/-. Thus, the Assessing Officer assessed the assessee’s income at Rs. 24,91,949/- against the returned income of Rs. 1,60,097/-. Aggrieved against this the assessee preferred appeal before the learned CIT(Appeals), who, after giving opportunity to the assessee sustained the finding of the Assessing Officer. Aggrieved against this the assessee is in appeal before this Tribunal.

3. Apropos ground nos. 1 & 2 the learned counsel for the assessee submitted that the impugned order was passed ex parte qua the assessee. He contended that an opportunity be given to the assessee to represent his case before the learned CIT(Appeals). Learned counsel for the assessee has also filed certain additional evidences.

4. Per contra, learned DR opposed the submissions of the assessee and submitted that the assessee has been thoroughly negligent. Learned DR supported the orders of the authorities below.

5. I have heard rival submissions and gone through the entire material available on record. It is seen from the records that there was no effective representation before the learned CIT(Appeals) on behalf of the assessee. The impugned order has been passed ex parte to the assessee. Considering the fact and circumstances of the case, in my considered view, the ends of justice would be met if the matter is restored to the file of learned CIT(Appeals) for decision afresh in accordance with law, after affording reasonable opportunity of being heard to the assessee and considering the material that may be placed by the assessee in the form of additional evidence. Ordered accordingly.

6. In the result, assessee's appeal stands allowed for statistical purposes only.

Order pronounced in open court on 23<sup>rd</sup> May, 2022.

**Sd/-**  
**(KUL BHARAT)**  
**JUDICIAL MEMBER**

\*MP\*

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

ASSISTANT REGISTRAR  
ITAT, NEW DELHI

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