

आयकर अपीलीय अधिकरण, कोलकाता पीठ 'सी', कोलकाता
IN THE INCOME TAX APPELLATE TRIBUNAL "C" BENCH: KOLKATA
श्री संजय गर्ग न्यायिक सदस्य एवं श्री राजेश कुमार, लेखा सदस्य के समक्ष
[Before Shri Sanjay Garg, Judicial Member & Shri Rajesh Kumar, Accountant Member]

I.T.A. No. 2459/Kol/2019
आयकर अपील संख्या-2459/कोल/2019
Assessment Year : 2012-13
निर्धारण वर्ष: 2012-13

M/s Attractive Financial Advisory Pvt. Ltd. (PAN: AAGCA 8683 A)	Vs.	ITO, Ward-7(1), Kolkata
Appellant / (अपीलार्थी)		Respondent / (प्रत्यर्थी)

Date of Hearing / सुनवाई की तिथि	24.08.2022
Date of Pronouncement/ आदेश उद्घोषणा की तिथि	29.08.2022
For the Appellant/ निर्धारिती की ओर से	None
For the Respondent/ राजस्व की ओर से	Smt. Ranu Biswas, Addl. CITDR

ORDER / आदेश

Per Shri Rajesh Kumar, AM:

This is the appeal preferred by the assessee is against the order of the Ld. Commissioner of Income Tax(Appeals)-3, Kolkata (hereinafter referred to as the Ld. CIT(A)"] dated 11.01.2019 for the AY 2012-13.

2. None appeared on behalf of the assessee at the time of hearing nor any application seeking adjournment was filed as the notice was returned unserved .

Therefore we are deciding the appeal ex-parte after hearing the Id DR and after considering the merits of the case.

3. The assessee has raised various grounds of appeal challenging the order passed by the Ld. CIT(A). We observe from the order of AO that the assessee did not appear before the AO and also before the first appellate authority. In other words in the assessment proceedings as well as appellate proceedings before the Ld. CIT(A) neither the assessee nor his authorized representative appeared to present its case on merit. During the course of hearing, the Departmental Representative brought to our notice that the directors of these companies were not traceable despite best effort by the department and all these companies are shell companies and part of scam operated by unscrupulous elements on whom the law could not lay its hands. Under these circumstances, we are proceedings to decide and dispose off the appeal ex-parte.

4. After hearing Ld. D.R and after of the perusal of various grounds of appeal reveals we note that the additions as made by the AO was on the account of introduction of unexplained Share capital/Share Premium/Sundry Creditors which could not be verified by both the authorities below. We note that the assessee was not cooperative before the AO whereas before the Id.CIT(A) the assessee did not appear at all. We further note that both the authorities below have given findings on these additions that this introduction of money remained unexplained and the investigation carried out by the revenue points to the deeper conspiracy to routing the unaccounted money in the form of share capital/share premium. We further observe that the assessee has not filed any evidences/confirmations/produce books of accounts before us to take a contrary view. Under this circumstance, we do not find any infirmity in the order of Ld. CIT(A) and are inclined to uphold the same by dismissing the appeal of the assessee. None appeared on behalf of the assessee.

5. The assessee has raised various grounds of appeal challenging the order passed by the Ld. CIT(A). However, we observe that despite best effort on the part of the Tribunal the notice could not be served on the assessee and returned unserved with the remarks that no such company was ever existed on the given address in the appeal

memo. We observe from the order of AO as well as appellate order under challenge before us that the assessee has not appeared before both the authorities below. We note that the assessment was framed u/s 144 of the Act as no one appeared before the AO similarly in the appellate proceedings before the Ld. CIT(A) neither the assessee nor his authorized representative appeared to present its case on merit. During the course of hearing, the Departmental Representative brought to our notice that the director of these companies were not traceable despite best effort by the department and all these companies are shell companies and part of scheme credit on by unscrupulous ailment on the merit on whom the law could not raise hands. Under these circumstances, we have considered view the appeal should be disposed off ex-parte.

6. After hearing Ld. D.R and after taking into account the merit of the case, a perusal of various grounds of appeal reveals that the addition made by the AO are on the account of introduction of share capital/remained unexplained and various others unexplained liabilities which could not be explained before both the authorities below. We further note that both the authorities below have given finding on this addition that this introduction of money/liabilities could not be explained. We further observe that the assessee has not filed any evidences/confirmations/produce books of accounts to revert the finding of the authorities below. Under this circumstance, we do not find any infirmity in the order of Ld. CIT(A) and are inclined to uphold the same by dismissing the appeal of the assessee.

7. In the result, the appeal of the assessee stands dismissed.

Order is pronounced in the open court on 29th August, 2022

Sd/-
(Sanjay Garg /संजय गर्ग)
Judicial Member/न्यायिक सदस्य

Sd/-
(Rajesh Kumar/राजेश कुमार)
Accountant Member/लेखा सदस्य

Dated: 29th August, 2022

SB, Sr. PS

Copy of the order forwarded to:

1. Appellant- M/s Attractive Financial Advisory Pvt. Ltd., 10, Sri Aurobinda Sarani, Gr. Floor, Kolkata-700005
2. Respondent – ITO, Ward-7(1), Kolkata
3. Ld. CIT(A)-3, 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