

आयकर अपीलीय अधिकरण
IN THE INCOME TAX APPELLATE TRIBUNAL,
'SMC' BENCH, KOLKATA

Before Dr. Manish Borad, Accountant Member

I.T.A. No. 396/KOL/2022
Assessment Year: 2012-2013

Dahisar Traders Pvt. Limited,.....Appellant
(since merged),
Formerly known as Vaishali Housing Project Pvt. Limited,
9, Ezra Street, 1st Floor, Room No. 23,
Kolkata-700001
[PAN: AAECD4722F]
-Vs.-

Income Tax Officer,.....Respondent
Ward-7(1), Kolkata,
Aayakar Bhawan,
P-7, Chowringhee Square,
Kolkata-700069

Appearances by:

Shri Manoj Kataruka, Advocate, for the Appellants
Shri Vijay Kumar, Addl. CIT, Sr. D.R., for the Respondent

Date of concluding the hearing : September 15, 2022
Date of pronouncing the order : September 20, 2022

आदेश

O R D E R

Per Dr. Manish Borad, Accountant Member:-

This appeal at the instance of assessee for assessment year 2017-18 is directed against the order of Id. Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi dated 09.05.2022 passed under section 250 of the Income Tax Act, 1961.

2. The sole grievance of the assessee in Grounds No. 1 to 5 of this appeal is against the addition of Rs.2,50,000/- confirmed by the Id. CIT(Appeals) made by the Id. Assessing Officer on account of unaccounted money of Rs.2,50,000/- alleged to be routed in the regular books of the assessee through paper/jamakharchi companies.

3. At the outset, ld. Counsel for the assessee submitted that the alleged sum has been paid by the assessee to M/s. Visage Equipment Pvt. Limited, whereas the lower authorities are alleging that the assessee has received the sum of Rs.2,50,000/-. Request was also made by him that if desired, the issue may be restored to the ld. Assessing Officer for necessary examination and verification.

4. Ld. D.R. did not raise any oppose on the request of the ld. Counsel for the assessee of restoring the issue to the ld. Assessing Officer.

5. I have heard the rival contentions and perused the relevant material placed before me. The only grievance of the assessee is against the addition of unaccounted money of Rs.2,50,000/-. Perusal of the assessment order reveals that the ld. Assessing Officer has made the addition alleging that the assessee-company was running on papers and was beneficiary of taking accommodation entries through layering the funds of its entities during financial year 2011-12. The assessee failed to make proper representation before the ld. Assessing Officer and the assessment order under section 144/147 of the Act was framed on 26.12.2019. The assessee failed to file any submission before the ld. CIT(Appeals) and also did not appear on the date of hearing. No other request letter for adjournment of hearing was filed. Before me, ld. Counsel for the assessee has stated that the alleged sum is not received by the assessee but has been paid by the assessee to M/s. Visage Equipment Pvt. Limited on 22.03.2012 from the Bank account held with ICICI Bank. I notice that the ld. Assessing Officer has alleged the assessee to have received the said sum and the assessee is claiming to have paid the sum of Rs.2,50,000/-. Further looking to the facts that the issue raised in the instant appeal has not been examined on merit by both the lower authorities, I being fair to both the parties deem it proper to restore the issue raised in this appeal to the file of ld. Assessing Officer who shall examine the veracity of the claim of the assessee on the basis of

documents filed before him for which reasonable opportunity of being heard to be provided to the assessee and decide in accordance with law.

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

Order pronounced in the open Court on September 20th, 2022.

**Sd/-
(Manish Borad)
Accountant Member
Kolkata, the 20th day of September, 2022**

- Copies to :
- (1) ***Dahisar Traders Pvt. Limited, (since merged),
Formerly known as Vaishali Housing Project Pvt. Limited,
9, Ezra Street, 1st Floor, Room No. 23, Kolkata-700001***
 - (2) ***Income Tax Officer,
Ward-7(1), Kolkata,
Aayakar Bhawan,
P-7, Chowringhee Square, Kolkata-700069***
 - (3) *Commissioner of Income Tax (Appeals), National Faceless
Appeal Centre (NFAC), Delhi,*
 - (4) *Commissioner of Income Tax- ,*
 - (5) *The Departmental Representative*
 - (6) *Guard File*

TRUE COPY

By order

*Assistant Registrar,
Income Tax Appellate Tribunal,
Kolkata Benches, Kolkata*

Laha/Sr. P.S.