

**आयकर अपीलीय अधिकरण, कोलकाता पीठ 'बी', कोलकाता**

**IN THE INCOME TAX APPELLATE TRIBUNAL "B" BENCH: KOLKATA**  
**श्री राजपाल यादव, उपाध्यक्ष (कोलकाता क्षेत्र) एवं श्री राजेश कुमार, लेखा सदस्य के समक्ष**  
[Before Shri Rajpal Yadav, Vice-President (KZ) & Shri Rajesh Kumar, Accountant Member]

**I.T.A. No. 1952/Kol/2018**  
**Assessment Year : 2012-13**

M/s Victor Infraproperties Pvt. Ltd. (PAN: AADCV 5282 B)	Vs.	ITO, Ward-5(4), Kolkata
Appellant / (अपीलार्थी)		Respondent / (प्रत्यर्थी)

Date of Hearing / सुनवाई की तिथि	19.09.2022
Date of Pronouncement / आदेश उद्घोषणा की तिथि	29.09.2022
For the Appellant / निर्धारिती की ओर से	None
For the Respondent / राजस्व की ओर से	Shri S. Venkatramani, CIT

**ORDER/ आदेश**

**Per Shri Rajesh Kumar, AM:**

This is an appeal preferred by the assessee against the order of the Commissioner of Income Tax (Appeals)-10, Kolkata [hereinafter referred to as 'CIT(A)'] dated 29.06.2018 for the assessment year 2012-13.

2. At the time of hearing, neither the assessee nor the Authorized Representative appeared for attending the hearing nor any application seeking adjournment was filed. It is pertinent to note that the earlier Counsel of the assessee vide letter dated 20.08.2022 informed the Bench that they have withdrawn their Power of Attorney. Thereafter a fresh notice was issued accordingly and the case was fixed for hearing on

19.09.2022 which was duly served on the assessee. However again neither the assessee nor his A.R appeared to argue the case. Under these facts and circumstances we have no choice but to dispose off the appeal ex-parte on merit after hearing the Ld. D.R.

3. After hearing the Ld .D.R and perusing the material on record, we note that the issue under challenge in Ground nos.1 to 7 before us is against the confirmation of addition of Rs. 10 crores by Ld. CIT(A) as made by the AO on account of unexplained cash credit u/s 68 of the Act. We have perused the assessment order as well as the appellate order and observe that the assessee has not been able to prove its identity, creditworthiness of the creditor and genuineness of the transactions. Since the assessee has not appeared before us and there is no material / evidence to take a different view then what has been taken by the lower authorities. Accordingly, we are inclined to uphold the order of the Ld. CIT(A) on this issue by dismissing the appeal of the assessee. Accordingly ground nos. 1 to 7 are dismissed.

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

Order is pronounced in the open court on 29<sup>th</sup> September, 2022

Sd/-

(Rajpal Yadav /राजपाल यादव)  
Vice-President /उपाध्यक्ष

Sd/-

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

Dated: 29<sup>th</sup> September, 2022

SB, Sr. PS

Copy of the order forwarded to:

1. Appellant- M/s Victor Infraproperties Pvt. Ltd., C/O, Salarpuria Jajodia & Co., 7, C.R. Avenue, Kolkata-700072
2. Respondent – ITO, Ward-5(4), Kolkata

3. CIT(A)- 10, Kolkata (sent through e-mail)
4. PCIT- , Kolkata
5. DR, Kolkata Benches, Kolkata (sent through e-mail)

True Copy

By Order

Assistant Registrar  
ITAT, Kolkata Benches, Kolkata