

THE INCOME TAX APPELLATE TRIBUNAL  
"SMC" Bench, Mumbai  
Shri B.R. Baskaran (AM)

I.T.A. No. 2055/Mum/2022 (A.Y. 2013-14)

D.K. Singh HUF Flat L-479, AWHO Raghunath Vihar Sector-14, Kharghar Navi Mumbai- 410210  PAN : AAFHD5989Q (Appellant)	Vs.	National Faceless Appeal Centre, Delhi PNE-W-81(1)  (Respondent)
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Assessee by	Shri D.K. Singh
Department by	Ms. Indira Adakil
Date of Hearing	04.10.2022
Date of Pronouncement	06.10.2022

ORDER

The assessee has filed this appeal challenging the order dated 1.7.2022 passed by the learned CIT(A), National Faceless Appeal Centre, Delhi and it relates to A.Y. 2013-14. The assessee is aggrieved by the decision of the learned CIT(A) in upholding the assessment of Rs. 43.49 lakhs made by the Assessing Officer.

2. The Karta of the assessee appeared in person. He submitted that the impugned assessment order was passed during the Covid period. He submitted that due to old age and coupled with comorbidities, he could not properly present the matter before the Assessing Officer. Hence, the Assessing Officer was constrained to pass the order to the best of his judgement under section 144 of the I.T. Act.

3. The assessee further submitted that the Assessing Officer has made addition of Rs. 43.49 lakhs towards income from capital gains on the basis of information available in AIR. He submitted that the AIR information has stated

that the assessee has purchased equity shares for a value of Rs. 4.05 crores and sold them for a sum of Rs. 4.49 crores. He submitted that the assessee has not made purchase of equity shares to the extent stated above. He submitted that the assessee has actually incurred loss in share trading transaction to the tune of Rs. 8.63 crores. He submitted that the assessee would be in a position to explain all these facts before the Assessing Officer if an opportunity is provided to him.

4. I have heard the learned DR and perused the record. I noticed that the Assessing Officer has passed the order to the best of his judgement under section 144 of the Act on the basis of AIR information received by the Assessing Officer. Before the learned CIT(A) also the assessee appeared to have not properly explained its case. It the submission of the assessee that the assessment has been made on the basis of wrong data provided to the Income Tax department in AIR. Considering the explanations of the assessee for not appearing before the tax authorities and considering the age of the assessee, I am of the view that the assessee may be provided with one more opportunity for presenting its case properly before the Assessing Officer. Accordingly, I set aside the order passed by the learned CIT(A) and restore all the issues to the file of the Assessing Officer for examining them afresh. I also direct the assessee to cooperate with the Assessing Officer for expeditious completion of the assessment. After hearing the assessee, the Assessing Officer may take appropriate decision in accordance with law.

5. In the result, appeal filed by the assessee is treated as allowed.

Order pronounced in the open court on 06.10.2022.

Sd/-  
(B.R. BASKARAN)  
ACCOUNTANT MEMBER

Mumbai; Dated : 06/10/2022

Copy of the Order forwarded to :

1. The Appellant
2. The Respondent
3. The CIT(A)
4. CIT
5. DR, ITAT, Mumbai
6. Guard File.

//True Copy//

*PS*

BY ORDER,

(Assistant Registrar)  
ITAT, Mumbai