

**IN THE INCOME TAX APPELLATE TRIBUNAL
BENCH "A" KOLKATA**

**Before: Shri Sanjay Garg, Judicial Member and
Shri Manish Borad, Accountant Member**

ITA No. 408/Kol/2019		
Assessment Year: 2012-13		
Savile Distributors Pvt.Ltd. 40 C Chittaranjan Avenue, 3 rd Fl, Room No. 4 Kolkata-12.	<u>बनाम</u> V/s.	I.T.O. Ward 2(4), Kolkata AaykarBhawan, P-7 Chowringhee Sq, 7 th Fl., Kolkata-69.
PAN:AAICS 7476H		
अपीलार्थी /Appellant	..	प्रत्यर्थी /Respondent
अपीलार्थी की ओर से/ By Appellant/Assessee	None	
प्रत्यर्थी की ओर से/By Respondent/Department	Shri Vijay Kumar,Addl.CIT Ld.DR	
सुनवाई की तारीख/Date of Hearing	28-09-2022	
घोषणा की तारीख/ Date of Pronouncement	31-10 -2022	

आदेश / O R D E R

PER MANISH BORAD, AM.

This appeal of the assessee for the assessment years 2012-13 is directed against the order dt. 27-03-2018 passed by the Id. Commissioner of Income-tax (Appeals) [in short, hereafter referred to as the 'CIT-A'], Kolkata-1, which is arising out of the assessment order dt. 02-03-2015 framed u/s. 143(3) of the Income Tax Act,

408/Kol/2019
AY 2012-13
Savile Distributors
P.Ltd.

1961 [in short, hereinafter referred to as 'the Act'] by the ITO, Ward 2(4)), Kolkata.

2. The assessee has raised the following grounds:-

1) For that the Ld. CIT(A) was not justified in dismissing the appeal of the Assessee ex-parte without affording reasonable opportunity of hearing

2) For that on the facts and in the circumstances of the case ,the Ld CIT (A) erred in confirming the addition of Rs 14,86,50,000/=

3) For that on the facts and the circumstances of the case ,the Ld CIT (A) erred in confirming the addition of Rs 19627/= u/s 14A

4) That the appellant craves leave to add, alter or delete all or any of the grounds of appeal.

3 When the case was called for none appeared on behalf of the assessee. Perusal of records shows that sufficient opportunity was provided and date of hearing was intimated through RPAD by the registry , but the same was returned/unserved. Thus, we decide to adjudicate the appeal on merit. The Ld. Departmental Representative vehemently argued supporting the orders of both the lower authorities.

4. We have heard the Ld. Departmental Representative and perused the record placed before us. We find that the assessee is a private limited company filed its e- return on 30-11-2012. The case was selected for scrutiny under CASS followed by serving of notices u/s. 143(2) and 142(1) of the Act. The Id. AO called for various details from the assessee to explain the source of share capital/share premium of Rs. 14,86,50,000/- The assessee failed to appear on the dates for which summons were issued and no details were filed. The Id. AO accordingly treated/added the alleged sum of Rs 14,86,50,000/- as

unexplained income of the assessee u/s. 68 of the Act. He and also made disallowance u/s. 14A of the Act of Rs. 19,627/-.

5. Thereafter, assessee preferred appeal before Id. CIT(A). Even after providing numbers of opportunity assessee failed to appear. Accordingly, the Id. CIT(A) following the judgment of the Hon'ble Supreme Court in the case of *H.M Esufali H.M Abdulali (1973) 90 ITR 271* confirmed both the disallowances/additions made u/s. 68 & 14A of the Act by the AO since no details were filed by the assessee to show that the additions made by the Id. AO were biased, irrational, vindictive or capricious.

6. Before us the assessee has challenged the findings of the Id. CIT(A) confirming the addition made u/s. 68/14A of the Act at Rs. 14,86,50,000/- & Rs.19,627/-. However, we find that the assessee is a habitual defaulter of escaping to appear before the Id.AO/ Id.CIT(A) and even before us. We notice that the assessee company having raised share capital/share premium of the magnitude of Rs. 14.86 crores and escaping from filing of relevant details to explain the source of alleged sum of Rs. 14,86,50,000/-. Since the assessee company has not filed any details to explain the source of alleged sum of share capital and share premium, it shows that the assessee company is a paper/shall company and has no explanation to put forth and the alleged sum is unaccounted income of assessee routed in the books of account through accommodation entry providers and paper companies. We, therefore, find no reason to interfere with the findings of the Id. CIT(A) confirming the additions of Rs. 14,86,50,000/- & Rs. 19,627/- made u/s. 68/14A of the Act. Therefore, we dismiss ground nos. 1, 2 & 3 raised by the

assessee. Ground no. 4 is general in nature, which requires no adjudication.

परिणामतः निर्धारिती की अपील खारिज की जाती है।

7. In the result, the appeal of the assessee is dismissed.
आदेश खुले न्यायपीठ में दिनांक 31-10--2022 को उद्घोषित।
The order pronounced in the open Court on 31.10.2022

Sd/-

(SANJAY GARG)
JUDICIAL MEMBER

Sd/-

(MANISH BORAD)
ACCOUNTANT MEMBER

Dated :31 -10-2022

**PP/SPS

आदेश की प्रतिलिपि अग्रेषित / Copy of Order Forwarded to:-

- 1.अपीलार्थी/Appellant/Assessee: **Savile Distributors Pvt.Ltd.** 40 C Chittaranjan Avenue, 3rd Fl, Room No. 4 Kolkata-12.
2. प्रत्यर्थी/Respondent/Department: **I.T.O. Ward 2(4), Kolkata** Aaykar Bhawan,P-7 Chowringhee Sq, 7th Fl., Kolkata-69.
3. संबंधित आयकर आयुक्त / Concerned CIT
4. आयकर आयुक्त- अपील / CIT (A)
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण कोलकाता / DR, ITAT, Kolkata
- 6.गार्डफाइल/Guardfile.

By order/आदेश से, /True Copy/

Assistant Registrar
ITAT, Kolkata