

IN THE INCOME TAX APPELLATE TRIBUNAL 'B' BENCH, PUNE

**SHRI R.S. SYAL, VICE PRESIDENT
AND
SHRI PARTHA SARATHI CHAUDHURY, JUDICIAL MEMBER**

ITA No. 114/PUN/2021 : A.Y. 2015-16

Urjafuture Systems (I) P. Ltd.
201, Kumar Padma, Behind Modern High School,
Shivajinagar, Pune-411 005
PAN: AACCT 9182 D Appellant

Vs.

The Pr. C.I.T. Pune-4 Respondent

Appellant by : Smt. Deepa Khare
Respondent by : Shri Sardar Singh Meena

Date of Hearing : 16-11-2022
Date of Pronouncement : 16-11-2022

ORDER

PER PARTHA SARATHI CHAUDHURY, JUDICIAL MEMBER

This appeal preferred by the assessee emanates from the order of the Ld. Pr. C.I.T. 4, dated 31-03-2021 for A.Y. 2015-16 passed u/s 263 of the Income-tax Act, 1961 (hereinafter referred to as "the Act") as per the following grounds of appeal.

1. *Ld CIT erred in law and on facts in invoking jurisdiction under Section 263 and setting aside Assessment Order for fresh assessment on the ground that assessment has been framed without proper verification and without applying relevant provisions of the Act.*
2. *Ld CIT erred in law and on facts in not appreciating that during assessment proceedings, the Id AO has applied his mind after proper enquiries and adopted a course permissible in law.*
3. *The Ld CIT erred in law and on facts in disregarding the enquiries made by Id AO during Assessment proceedings and the submissions made by the assessee in connection with Genuineness of Share Application Money and also the applicability of See 56(2)(viiia).*
4. *The Order of the Id CIT being unjustified in law and on facts may kindly be cancelled.*
5. *The appellant craves leave to add, alter, modify or substitute any ground of appeal at the time of hearing."*

2. The solitary grievance of the assessee in this case is the assumption of revisionary jurisdiction and passing order by the Id. Pr. CIT u/s 263 of the Act. At the very outset, the Id. Counsel referring to the grounds of appeal submitted that the order u/s 263 has been passed without proper verification and without application of mind by the Id. Pr. C.I.T and that there has not been adequate queries conducted by the Id. Pr. C.I.T. The Id. Counsel further emphasized that it was the covid 19 period when the hearing was scheduled and though on the initial date of hearing, the Director of the Company Mr. Vikram Kothari had appeared along with Chartered Accountant of the assessee-company but due to the lockdown on account of Covid 19 pandemic subsequently, the assessee did not comply with the hearing notice because of the circumstances prevailing during that point of time. This fact is evident from para 3 of the order passed u/s 263 of the Act. The Id. D.R also conceded to these facts and submitted that he does not have any objection if the matter is remanded back to the file of the Id. Pr. CIT for re-adjudication as per law.

3. Having heard the parties and on perusal of the order passed by the Id. Pr. C.I.T. of the Act specifically para 3 of his order, it is clear that due to the lockdown and pandemic situation prevailing during that time the assessee was prevented from not appearing hearing before the Id. Pr. C.I.T. It is therefore, crystal clear that the Id. Pr. C.I.T did not get an opportunity to examine the point of view of the assessee vis-à-vis the assessment order. The assessee also could not represent their case on merits during the proceedings before the Id. Pr. C.I.T. In the interest of justice, we are of the considered view that one more opportunity is desirable in this matter and the case needs to be re-adjudicated after due verification by the Id. Pr. C.I.T. while assuming revisionary jurisdiction u/s 263 of the Act. In view thereof, we set aside the order of the Id. Pr. C.I.T. and remand the matter back to his file with directions hereinabove. In the result, the grounds of appeal are allowed for statistical purposes.

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

Order pronounced in the open Court on this 16th November 2022

Sd/-
(R.S. SYAL)
VICE PRESIDENT

sd/-
(PARTHA SARATHI CHAUDHURY)
JUDICIAL MEMBER

Pune; Dated, the 16th day of November 2022
Ankam

Copy of the Order forwarded to :

1. The Appellant.
2. The Respondent.
3. The Pr. C.I.T. Pune-4
4. D.R. ITAT 'B' Bench
5. Guard File

BY ORDER,

Sr. Private Secretary
ITAT, Pune.

/// TRUE COPY ///

1	Draft dictated on	15-11-2022	Sr.PS/PS
2	Draft placed before author	15-11-2022	Sr.PS/PS
3	Draft proposed and placed before the second Member		JM/AM
4	Draft discussed/approved by second Member		AM/JM
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6	Kept for pronouncement on	16-11-2022	Sr.PS/PS
7	Date of uploading of order	16-11-2022	Sr.PS/PS
8	File sent to Bench Clerk	16-11-2022	Sr.PS/PS
9	Date on which the file goes to the Head Clerk		
10	Date on which file goes to the A.R		
11	Date of dispatch of order		