

आयकर अपीलिय अधिकरण, 'बी' न्यायपीठ, चेन्नई  
IN THE INCOME-TAX APPELLATE TRIBUNAL 'B' BENCH, CHENNAI  
श्री वी दुर्गा राव, न्यायिक सदस्य एवं श्री जी. मंजुनाथा, लेखा सदस्य के समक्ष  
Before Shri V. Durga Rao, Judicial Member &  
Shri G. Manjunatha, Accountant Member

आयकर अपील सं./I.T.A. No. 836/Chny/2022  
निर्धारण वर्ष/Assessment Year:2017-18

M/s. Northern ARC Capital Limited,  
Phase I, 10<sup>th</sup> Floor, IIT M Research  
Park, Taramani Kanagam Village,  
Chennai 600 113.

Vs. The Assistant Commissioner of  
Income Tax,  
Corporate Circle 4(2),  
Chennai.

**[PAN:AACCI0979B]**

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से / Appellant by : Shri S.P. Chidambaram, Advocate  
प्रत्यर्थी की ओर से/Respondent by : Shri R. Boopathi, Addl. CIT  
सुनवाई की तारीख/ Date of hearing : 24.11.2022  
घोषणा की तारीख /Date of Pronouncement : 24.11.2022

**आदेश /O R D E R**

**PER V. DURGA RAO, JUDICIAL MEMBER:**

This appeal filed by the assessee is directed against the order of the Id. Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), New Delhi, dated 08.08.2018 relevant to the assessment year 2017-18.

2. Brief facts of the case are that the assessee filed its return of income for the assessment year 2017-18 on 30.10.2017 admitting an income of ₹.1,17,99,65,480/-. After following due procedure, the

Assessing Officer has completed the assessment under section 143(3) of the Income Tax Act, 1961 [“Act” in short] assessing total income of the assessee at ₹.1,21,82,18,938/- after making addition of securitization income of ₹.3,82,53,458/- by denying the claim of exemption under section 10(35A) of the Act. On appeal, the Id. CIT(A) confirmed the order of the Assessing Officer.

3. On being aggrieved, the assessee is in appeal before the Tribunal. The Id. Counsel for the assessee has submitted that the assessee has received only one notice of hearing from the Id. CIT(A) and therefore, prayed for adequate opportunity of being heard to the assessee so that the assessee can substantiate its claim before the Id. CIT(A).

4. On the other hand, the Id. DR fairly conceded the submissions of the Id. Counsel for the assessee.

5. We have heard both the sides, perused the materials available on record and gone through the orders of authorities below. In this case, in the assessment order, the Assessing Officer denied the claim of exemption under section 10(35A) of the Act in view of the provisions of section 115TCA of the Act inserted by Finance Act, 2013. On appeal, despite seven opportunities given to the assessee and due to non-

compliance of the notices, the Id. CIT(A) confirmed the assessment order passed by the Assessing Officer. Before us, the Id. Counsel for the assessee has submitted that the assessee has received only one notice and therefore, he prayed for affording adequate opportunity of being heard to the assessee to substantiate its claim before the Id. CIT(A). In view of the above, we set aside the order passed by the Id. CIT(A) and remit the matter back to the file of the Id. CIT(A) to decide the issue afresh in accordance with law by affording adequate opportunity of being heard to the assessee. The assessee is also directed to furnish complete details before the Id. CIT(A) for adjudication.

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

Order pronounced in the open court on the 24<sup>th</sup> November, 2022 in Chennai.

Sd/-  
(G. MANJUNATHA)  
ACCOUNTANT MEMBER

Sd/-  
(V. DURGA RAO)  
JUDICIAL MEMBER

Chennai, Dated, 24.11.2022

Vm/-

आदेश की प्रतिलिपि अग्रेषित/Copy to: 1. अपीलार्थी/Appellant, 2. प्रत्यर्थी/  
Respondent, 3. आयकर आयुक्त (अपील)/CIT(A), 4. आयकर आयुक्त/CIT, 5.  
विभागीय प्रतिनिधि/DR & 6. गार्ड फाईल/GF.