

**IN THE INCOME TAX APPELLATE TRIBUNAL,  
'C' BENCH, KOLKATA**

**Before Shri Rajpal Yadav, Vice-President (KZ)  
&  
Shri Girish Agrawal, Accountant Member**

**I.T.A. No. 47/KOL/2021  
Assessment Year: 2009-2010**

***Hrishikesh Mega Township (P) Limited,.....Appellant  
Flat AH-5- 8/15, Lake View Housing Complex,  
Near Anandamayee Ashram,  
B/1, Drainage Canel Road, Howrah-711102  
[PAN: AACCH1729C]***

**-Vs.-**

***Income Tax Officer,.....Respondent  
Ward-9(1), Kolkata,  
Aayakar Bhawan, 5<sup>th</sup> Floor,  
P-7, Chowringhee Square, Kolkata-700069***

**Appearances by:**

*No one, appeared on behalf of the assessee  
Shri G. Hukugha Sema, CIT, appeared on behalf of the  
Revenue*

**Date of concluding the hearing : December 13, 2022  
Date of pronouncing the order : December 16, 2022**

**O R D E R**

**Per Rajpal Yadav, Vice-President (KZ):-**

The assessee is in appeal before the Tribunal against the order of Id. Commissioner of Income Tax (Appeals)-2, Kolkata dated 03.10.2016 passed for A.Y. 2009-10.

2. In response to the notice of hearing, no one has come present on behalf of the assessee. On 23.08.2022, one alleged employee of the assessee-company Shri Amit Singh appeared, but thereafter no one has appeared. Notice has been sent through e-mail also. From the record, it transpires that no one has appeared before the ld. CIT(Appeals) or the ld. Assessing Officer. Considering the above situation, we deem it appropriate to hear this appeal *ex-parte qua* the assessee.

3. The assessee has taken eight grounds of appeal. Its main grievance is that ld. CIT(Appeals) has erred in confirming the order of ld. Assessing Officer, whereby an addition of Rs.10,22,00,000/- was made with the aid of section 68 on account of bogus share capital. It emerges out from the record that the assessee has filed its return of income on 28.10.2009 declaring total income of Rs.289/-. An assessment order was passed under section 147 read with section 143(3) on 31.12.2010 determining the total income at Rs.43,730/-. This order was set aside by the ld. Commissioner by exercising the powers under section 263 vide its order dated 01.03.2013. The ld. Assessing Officer thereafter issued notice under section 142(1) directing the assessee to submit the necessary evidence in support of its claim for share capital. The assessee wrote back to the ld. Assessing Officer that it

has filed an appeal before the ITAT against 263 order, hence, proceeding be kept in abeyance. However, the assessee failed to submit any detail of it's appeal pending before the ITAT and the assessee did not appear before the ld. Assessing Officer, even on repeated notices did not file anything before the ld. Assessing Officer. Under the compelling circumstances, ld. Assessing Officer treated the alleged share capital as bogus and made the addition of Rs.10,22,00,000/-.

4. In appeal, again the assessee did not appear before the ld. CIT(Appeals), did not submit any detail. The ld. 1<sup>st</sup> Appellate Authority has given a number of opportunities to the assessee. Thus under the compelling circumstances, ld. 1<sup>st</sup> Appellate Authority has to concur with the ld. Assessing Officer. Accordingly appeal of the assessee was dismissed.

5. Before us, the assessee has not submitted any detail. The line of argument advanced by the assessee in the grounds of appeal is that in the proceeding under section 263, it has submitted the necessary details, therefore, it is incumbent upon the Revenue Authorities to call for those details from the record of ld. CIT and should have not made the addition.

6. We have gone through the record carefully and from the conduct of the assessee, we are satisfied that the assessee has nothing to say in support of its alleged bogus share capital claim. Apart from the above, we also notice that impugned order was passed in 2016 by the ld. 1<sup>st</sup> Appellate Authority, whereas appeal has been filed in 2021. The only explanation taken by the assessee is that Certified Copy was obtained by the assessee on 03.12.2020. There is a huge gap of roughly four years, which has not been explained by the assessee, or no one has responded to the notices issued by the Tribunal. Accordingly we do not find any merit in this appeal, it is dismissed.

**7. In the result, the appeal of the assessee is dismissed.**

Order pronounced in the open Court on 16<sup>th</sup> December, 2022.

Sd/-

**(Girish Agrawal)  
Accountant Member**

Sd/-

**(Rajpal Yadav)  
Vice-President (KZ)**

***Kolkata, the 16<sup>th</sup> day of December, 2022***

*Copies to :(1) Hrishikesh Mega Township (P) Limited,  
Flat AH-5- 8/15, Lake View Housing Complex,  
Near Anandamayee Ashram,  
B/1, Drainage Canel Road, Howrah-711102*

***(2) Income Tax Officer,  
Ward-9(1), Kolkata,***

**Aayakar Bhawan, 5<sup>th</sup> Floor,  
P-7, Chowringhee Square, Kolkata-700069**

- (3) Commissioner of Income Tax (Appeals)-2,  
Kolkata;
- (4) *Commissioner of Income Tax- ;*
- (5) *The Departmental Representative*
- (6) *Guard File*

TRUE COPY

*By order*

*Assistant Registrar,  
Income Tax Appellate Tribunal,  
Kolkata Benches, Kolkata*

**Laha/Sr. P.S.**