



**IN THE INCOME TAX APPELLATE TRIBUNAL,  
CUTTACK BENCH, CUTTACK**

**BEFORE S/SHRI GEORGE MATHAN, JUDICIAL MEMBER  
AND ARUN KHODPIA, ACCOUNTANT MEMBER**

**ITA No.107/CTK/2022**

Assessment Year : 2015-16

Pooja Sponge Private Limited., IDC, Plot No.214, Kalunga, Rourkela.	Vs.	ACIT, Central, Sambalpur
PAN/GIR No.AACCP 9822 A		
<b>(Appellant)</b>	..	<b>( Respondent)</b>

Assessee by : Shri K.K.Bajoria, AR  
Revenue by : Shri M.K.Gautam, CIT DR

**Date of Hearing : 31/01/2023**  
**Date of Pronouncement : 31/01/2023**

**ORDER**

**Per Bench**

This is an appeal filed by the assessee against the order of the Id CIT(A)-2, Bhubaneswar, dated 23.3.2022 in Appeal No. 2/10592/2017-18 for the assessment year 2015-16.

2. Shri K.K.Bajoria, Id AR appeared for the assessee and Shri M.K.Gautam, Id CIT DR appeared for the revenue.

3. It was submitted by Id AR that the assessee is a company, which is doing manufacture of Sponge Iron. It was the submission that the assessment came to be completed under section 143(3) of the Act, on 31.12.2016 wherein, unsecured loans of the assessee to an extent of

Rs.5,70,70,110/- came to be disallowed by invoking the provisions of section 68 of the Act. It was the submission that the assessee had provided the confirmation letters. It was the submission that the Id CIT(A) had without considering the evidences produced by the assessee, dismissed the assessee's appeal. It was the submission that even though the remand report had been called, the assessee was not given adequate time to produce all the evidences before the AO to substantiate its claim. It was the prayer that the assessee may be given an opportunity to produce all the evidences before the Assessing Officer.

4. In reply, Id CIT DR vehemently opposed the prayer of the assessee. It was the submission that the assessee has failed to produce the evidences as called for. It was the submission that the order of the AO and that of the Id CIT(A) be upheld.

5. We have considered the rival submissions. A perusal of the order of the Id CIT(A) clearly shows that in the remand report, barely 15 days had been granted. The Assessing Officer is at Sambalpur and the assessee is in Rourkela, which is more than 200 kms. Obviously, the assessee should have been granted adequate opportunity to respond the remand proceedings. This being so, in the interest of justice, the issues in this appeal must be restored to the file of the Assessing Officer for re-adjudication after granting the assessee adequate opportunity to substantiate its case and we do so.

6. In the result, appeal of the assessee stands partly allowed for statistical purposes.

Order dictated and pronounced in the open court on 31/01/2023.

Sd/-  
**(Arun Khodpia)**  
**ACCOUNTANT MEMBER**

sd/-  
**(George Mathan)**  
**JUDICIAL MEMBER**

Cuttack; Dated 31/01/2023  
B.K.Parida, SPS (OS)

**Copy of the Order forwarded to :**

1. The Appellant : Pooja Sponge Private Limited., IDC, Plot No.214, Kalunga, Rourkela.
2. The Respondent: ACIT, Central, Sambalpur
3. The CIT(A)-2, Bhubaneswar
4. Pr.CIT-2, Bhubaneswar
5. DR, ITAT, Cuttack
6. Guard file.  
//True Copy//

**By order**

Sr.Pvt.secretary  
**ITAT, Cuttack**