

**IN THE INCOME TAX APPELLATE TRIBUNAL,  
'A(SMC)' BENCH, KOLKATA**

**Before Shri Rajpal Yadav, Vice-President (KZ)  
&  
Dr. Manish Borad, Accountant Member**

**I.T.A. No. 754/KOL/2022  
Assessment Year: 2012-2013**

***M/s. VCK Investment Pvt. Limited,.....Appellant  
C/o. M/s. Salarpuria Jajodia & Co.,  
7, C.R. Avenue, 3<sup>rd</sup> Floor,  
Kolkata-700072  
[PAN: AABCV0841N]***

***-Vs.-***

***Income Tax Officer,.....Respondent  
Ward-5(4), Kolkata,  
Aayakar Bhawan Poorva,  
110, Shantipally, E.M. Bypass,  
Kolkata-700107***

**Appearances by:**

*Shri S. Jhajharia, A.R., appeared on behalf of the  
assessee*

*Smt. Ranu Biswas, Addl. CIT, Sr. D.R., appeared on  
behalf of the Revenue*

**Date of concluding the hearing : February 28, 2023**

**Date of pronouncing the order : 28<sup>th</sup> February, 2023**

**O R D E R**

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

The present appeal is directed at the instance of assessee against the order of Id. Commissioner of Income Tax (Appeals)-16, Kolkata dated 28.02.2020 passed for assessment year 2012-13.

2. The ld. Counsel for the assessee, at the very outset, submitted that the ld. 1<sup>st</sup> Appellate Authority has not recorded any specific finding on any of the issues agitated before him. It is an *ex-parte* order.

3. On the other hand, ld. D.R. was unable to controvert the submissions made by the ld. Counsel for the assessee.

4. With the assistance of ld. Representatives, we have gone through the record carefully. Sub-section 6 of section 250 mandates the ld. CIT(Appeals) to determine the points in dispute and thereafter record the reason in support of his conclusion on those points. A perusal of the impugned order would suggest that the ld. 1<sup>st</sup> Appellate Authority failed to adhere the mandate given in Section 250(6) of the Income Tax Act. In order to buttress our conclusion, we deem it appropriate to take note the finding of ld. CIT(Appeals) recorded in paragraph no. 3, which reads as under:-

*“3. As per material available on record and submissions made by the appellant and on merit, the addition made by the ld. AO on account of disallowance on interest income u/s 14A of Rs.7,70,325/- on account of disallowance of unexplained cash credit u/s 68 of Rs.25,00,000/- and disallowance of interest of Rs.1,51,479/- is hereby confirmed.*

*Accordingly all grounds of appeal are dismissed”.*

5. It is pertinent to observe that the ld. 1<sup>st</sup> Appellate Authority has simply reproduced the grounds in appeal and thereafter recorded the above finding. Therefore, we are of the view that the impugned order of ld. CIT(Appeals) is not sustainable and we set aside the order and remit the issues to the file of ld. CIT(Appeals) for fresh adjudication. At this stage, ld. Counsel for the assessee submitted that now all the appeals are to be decided by National Faceless Appellate Authority and it is not ascertainable how the appeal will be entertained and how to carry out the execution of the order of the Tribunal. Shri S.M. Surana, ld. Sr. Counsel submitted on behalf of the Bar that now a Special Authority, namely Principal Chief Commissioner of Income Tax, National Faceless Appeal Centre (NFAC) has been designated as Special Authority for taking up all these proceedings. Therefore, Registry is directed to remit one additional copy of this order to above authority i.e.

***Principal Chief Commissioner of Income  
Tax, National Faceless Appeal Centre (NFAC)***

so that the appeal of the assessee is to be re-adjudicated at the level of ld. CIT(Appeals).

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

Order pronounced in the open Court on 28<sup>th</sup> February, 2023.

**Sd/-  
(Manish Borad)  
Accountant Member**

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

***Kolkata, the 28<sup>th</sup> day of February, 2023***

*Copies to :* (1) **M/s. VCK Investment Pvt. Limited,  
C/o. M/s. Salarpuria Jajodia & Co.,  
7, C.R. Avenue, 3<sup>rd</sup> Floor,  
Kolkata-700072**

(2) **Income Tax Officer,  
Ward-5(4), Kolkata,  
Aayakar Bhawan Poorva,  
110, Shantipally, E.M. Bypass,  
Kolkata-700107**

(3) *Commissioner of Income Tax(Appeals)-16,  
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.**