

IN THE INCOME TAX APPELLATE TRIBUNAL
MUMBAI 'C' BENCH, MUMBAI.

Before Shri B.R. Baskaran (AM) & Shri Rahul Chaudhary (JM)

I.T.A. No. 2234/Mum/2022 (A.Y. 2006-07)

Permanent IP Systems C/o. Adv. Sunil Kadam Chamber 4, Cosmos Trade Palace Ground Floor, Khatau Building Alkesh Dinesh Mody Marg Opp. BSE, Fort, Mumbai-400001. PAN : AAIFP3095N (Appellant)	Vs.	ITO-15(1)(4) 108, 1 st Floor Matru Mandir Tardeo, Grant Road Mumbai-400 007. (Respondent)
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Assessee by	None
Department by	Shri K.C. Selvamani
Date of Hearing	09.01.2023
Date of Pronouncement	06.03.2023

O R D E R

Per B.R.Baskaran (AM) :-

The assessee has filed this appeal challenging the order dated 29.20.2019 passed by the learned CIT(A)-30, Mumbai and it relates to A.Y. 2006-07.

2. None appeared on behalf of the assessee and we noticed that the appeal was adjourned on the earlier occasions at the request of the assessee. Hence, we proceed to dispose of the appeal ex-parte, without presence of the assessee.

3. We also noticed that the assessee did not appear before the learned CIT(A) also and hence, the first appellate authority was constrained to dispose of the appeal ex-parte, without presence of the assessee.

4. The assessee is engaged in the manufacture of automation products. The assessee has claimed deduction under section 80IC of the I.T. Act amounting to Rs. 22.24 crores. The original assessment was completed under section 143(3) of the Act allowing the claim made under section 80IC of the Act. Subsequently, the Assessing Officer received information that the deduction claimed under section 80IC of the Act should not be allowed on account of certain findings made by the Income Tax Department. Hence, the Assessing Officer reopened the assessment of the assessee by issuing notice under section 148 of the Act and disallowed the claim for deduction under section 80IC of the Act. In the ex-parte order passed, the learned CIT(A) confirmed the disallowance made by the Assessing Officer. Hence the assessee has filed this appeal before the Tribunal.

5. As noticed earlier, the learned CIT(A) was constrained to pass the order ex-parte, since the assessee did not furnish any information before him. Accordingly, in the interest of natural justice, we are of the view that the assessee may be provided with one more opportunity to present its case before the learned CIT(A). However, the same will be at a cost. Accordingly, we impose a cost of Rs. 2000/- upon the assessee which shall be paid within two months from the date of receipt of the present order of the Tribunal. Subject to the payment of the above cost to the credit of the Income Tax Department as 'other fees', which shall be verified by the learned CIT(A), the order passed by the learned CIT(A) is set aside and all the issues contested by the assessee in this appeal are restored to his file for adjudicating them afresh on merits, after affording adequate opportunity of being heard to the assessee. We also direct the assessee to fully cooperate with the learned CIT(A) for expeditious disposal of the appeal.

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

Pronounced in the open court on 6.3.2023.

Sd/-
(RAHUL CHAUDHARY)
Judicial Member

Sd/-
(B.R. BASAKARAN)
Accountant Member

Mumbai; Dated : 06/03/2023

Copy of the Order forwarded to :

1. The Appellant
2. The Respondent
3. The CIT(A)
4. CIT
5. DR, ITAT, Mumbai
6. Guard File.

//True Copy//

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BY ORDER,

(Assistant Registrar)
ITAT, Mumbai