

आयकर अपीलीय अधिकरण, कोलकाता पीठ “सी”, कोलकाता

IN THE INCOME TAX APPELLATE TRIBUNAL “C” BENCH: KOLKATA

श्री राजपाल यादव, उपाध्यक्ष(कोलकाता क्षेत्र)एवं श्री राजेश कुमार, लेखा सदस्य के समक्ष
[Before Shri Rajpal Yadav, Vice-President (KZ) & Shri Rajesh Kumar, Accountant Member]

I.T.A. No. 1106/Kol/2018
Assessment Year: 2014-15

Aarya Industrial Products Pvt. Ltd. (PAN: AADCA 6403 F)	Vs.	DCIT, Circle-10(1), Kolkata
Appellant / (अपीलार्थी)		Respondent / (प्रत्यर्थी)

Date of Hearing / सुनवाई की तिथि	23.02.2023
Date of Pronouncement/ आदेश उद्घोषणा की तिथि	15.03.2023
For the Appellant/ निर्धारिती की ओर से	None
For the Respondent/ राजस्व की ओर से	Shri G. Hukugha Sema, CIT

ORDER / आदेश

Per Rajesh Kumar, AM:

This is the appeal preferred by the assessee against the order of the Ld. Commissioner of Income Tax (Appeal)-4, Kolkata (hereinafter referred to as the Ld. CIT(A)”) dated 06.03.2018 for the AY 2014-15.

2. None appeared on behalf of the assessee.
3. The assessee has challenged the order of Ld. CIT(A) on various grounds of appeal such as confirmation of addition of Rs. 7,19,90,713/- as unexplained income

u/s 68/69 of the Act, confirmation of Rs. 10,00,00,000/- as unexplained cash credit u/s 68.confirming the disallowance of consultancy charges u/s 37(1) of the Act ,disallowance of shortage of agro plantation and disallowance u/s 14A read with Rule 8D on which aggregate addition of Rs. 17,42,59,217/- was made by the AO.

4. Facts in brief are that the case of the assessee was selected for scrutiny through CASS and statutory notices were duly issued and served on the assessee however there was no compliance on the part of the assessee on various occasions allowed by the AO to furnish the details. The assessee has issued 50,00,000/- shares with face value of Rs. 10/- at a premium of Rs. 10/- per share thereby raising Rs. 10,00,00,000/- from M/s Kalimata Infotech Pvt. Ltd. which remained unverified and assessee did not furnish any details of the investor as well as the source and creditworthiness of the investor. Similarly consultancy charges of Rs. 10,16,335/- were paid to some agencies and details were not furnished. Similarly the AO called for the information in respect of agricultural income of Rs. 7,19,90,713/- and expenses incurred on shortage of agro plantation charges commission etc however the bills, vouchers were not filed. The Ld. Counsel for the assessee Shri Sanjiv Sah, undertook to file the evidences/information on every occasion but every time he turned up requesting for next date and therefore the assessment was completed and assessed income was computed Rs. 17,42,59,217/- in the assessment framed u/s 143(3) vide order dated 29.12.2016.

5. The Ld. CIT(A) allowed ten opportunities to the assessee from time to time on various dates however on the first eight dates no one appeared and sought adjournment. On the 9th occasion i.e. 19.01.2018 Mr. Manish Tiwari attended the proceedings but again sought adjournment as per following table:

<i>SL. No.</i>	<i>Date of Notice</i>	<i>Date of hearing</i>	<i>Remarks</i>
1.	01.09.2017	18.09.2017	None attended. Sought Adjournment.
2.	18.09.2017	25.09.2017	None attended. Sought Adjournment.
3.	25.09.2017	13.10.2017	None attended. Sought Adjournment.

4.	13.10.2017	02.11.2017	<i>None attended. Sought Adjournment.</i>
5.	03.11.2017	13.11.2017	<i>None attended. Sought Adjournment.</i>
6.	13.11.2017	06.12.2017	<i>None attended. Sought Adjournment.</i>
7.	06.12.2017	04.01.2018	<i>None attended. Sought Adjournment.</i>
8.	04.01.2018	19.01.2018	<i>None attended. Sought Adjournment.</i>
9.	19.01.2018	08.02.2018	<i>None attended. Sought Adjournment. Provided last chance vide order sheet noting dated 19.01.2018 – “Sh. Manish Tiwari, A.R appeared . Sought adj. Last chance given. Case adjourned to 5th March, 18 at 02.30 PM.”</i>
10.	08.02.2018	05.03.2018	<i>Sh Manish Tiwari, A.R attended sought adjournment. Last chance given case adj. to 05.03.2018 (order sheet noting)</i>

Finally the case was decided by Ld. CIT(A) on the basis of available information whereby the assessment order was affirmed by dismissing the appeal of the assessee.

6. After perusing the material on record and with the assistance of Ld. D.R, we have gone through the facts of the case. We find that even before the Tribunal the case was fixed on 06.09.2022 on which no one appeared. Thereafter again the case was adjourned to 12.01.2023 and again to 23.02.2023 but no one appeared before the Tribunal. Therefore, we are proceeding to decide the appeal on the basis of facts available in the file and after hearing the arguments of Ld. D.R. We have carefully perused the assessment order and appellate order and find that the assessee has not cooperated on the various dates of hearing given to the assessee before us also. Therefore we can reasonably presume that the assessee is not interested in prosecuting this appeal. In absence of any documents/evidences to the contrary, we are in agreement with the conclusion drawn by the Ld. CIT(A) on various issues. Accordingly we upheld the order of Ld. CIT(A) by dismissing the appeal of the assessee.

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

Order is pronounced in the open court on 15th March, 2023

Sd/-
(Rajpal Yadav /राजपाल यादव)
Vice-President / उपाध्यक्ष

Sd/-
(Rajesh Kumar/राजेश कुमार)
Accountant Member/लेखा सदस्य

Dated: 15th March, 2023

SB, Sr. PS

Copy of the order forwarded to:

1. Appellant- Aarya Industrial Products Pvt. Ltd., 1st Floor, Santosh Apartment, 9, Hunger Ford Street, Kolkata-700017
2. Respondent – DCIT, Circle-10(1), Kolkata
3. Ld. CIT(A)-4, Kolkata (Sent through e-mail)
4. Pr. CIT- , Kolkata
5. DR, Kolkata Benches, Kolkata (sent through e-mail)

True Copy

By Order

Assistant Registrar
ITAT, Kolkata Benches, Kolkata