

**IN THE INCOME TAX APPELLATE TRIBUNAL
“B” BENCH : BANGALORE**

BEFORE SHRI GEORGE GEORGE K., JUDICIAL MEMBER
AND
SHRI LAXMI PRASAD SAHU, ACCOUNTANT MEMBER

ITA No.240/Bang/2023
Assessment year : 2014-15

Vasoo Builders Private Ltd., Flat No.G-02, Alfred Place 25, Alfred Street, Richmond Town, Bengaluru – 560 025. PAN: AAACV 5939Q	Vs.	The Assistant Commissioner of Income Tax, Circle 7(1)(2), Bengaluru.
APPELLANT		RESPONDENT

Appellant by	:	Shri Ravishankar S.V., Advocate
Respondent by	:	Shri Sunil Kumar Singh, CIT(DR)(ITAT), Bengaluru.

Date of hearing	:	16.05.2023
Date of Pronouncement	:	16.05.2023

ORDER

Per Laxmi Prasad Sahu, Accountant Member

This appeal by the assessee is against the order dated 1.2.2023 of the CIT(Appeals), National Faceless Appeal Centre, Delhi [NFAC] for the assessment year 2014-15.

2. The sole issue arising out of the various grounds raised by the assessee is the *ex parte* assessment order u/s. 143(3) r.w.s. 144 of the Income-tax Act, 1961 [the Act] passed by the Assessing Officer which was upheld by the CIT(Appeals).

3. The brief facts of the case are that the assessee filed return of income on 19.11.2015 declaring NIL income. The case was selected for scrutiny under CASS and statutory notices were issued to the assessee. The case was fixed for hearing on different dates, but the assessee did not respond to the notices. Finally the AO provided one more opportunity by issue of notice in respect of which also the assessee did not appear. Therefore, the AO completed the assessment u/s. 144 and determined the income at Rs.34,60,48,310.

4. On appeal, the CIT(Appeals) fixed the case for hearings on various dates, but nobody appeared nor any written submissions were filed. Hence the CIT(Appeals) dismissed the appeal of the assessee. Aggrieved, the assessee is in appeal before the Tribunal.

5. The Id. AR submitted that the notices of hearing issued by the CIT(A) were not received and therefore the assessee could represent its case. He also submitted that there is no Managing Director in this company and therefore the appeal form is signed by Director of the company, Shri B. Sagar Muthappa. The Id. AR therefore requested for one more opportunity to the assessee to represent its case in the interest of justice and he undertook to produce all the necessary documents required before the AO for fresh assessment. The Id. DR had no objection to the same.

6. After hearing both the parties and going through the order of assessment, we note that the AO has provided many opportunities to the assessee, but the assessee did not respond. The AO has passed the

ex parte assessment order u/s. 144 by making addition of the entire expenditure debited to the Profit & Loss account and total liability shown in the balance sheet and no benefit of expenditure has been allowed to the assessee. We also note that the assessee has not availed the several opportunities of hearing granted by the CIT(Appeals). Considering the prayer of the Id. AR of the assessee and the totality of facts of the case, in the interest of justice, we remit the appeal to the Assessing Officer for *de novo* assessment with costs of Rs.25,000/- (Rupees Twenty Five Thousand Only) payable by the assessee. Copy of payment challan of costs shall be produced before the AO. The assessee is directed to produce all the necessary documents to substantiate its case and cooperate in the proceedings before the AO without seeking unnecessary adjournments for early disposal of the case. The AO shall grant effective opportunities of hearing to the assessee and decide the case afresh in accordance with law. It is ordered accordingly.

7. In the result, the appeal by the assessee is allowed for statistical purposes.

Pronounced in the open court on this 16th day of May, 2023.

Sd/-

Sd/-

(GEORGE GEORGE K)
JUDICIAL MEMBER

(LAXMI PRASAD SAHU)
ACCOUNTANT MEMBER

Bangalore,

Dated, the 16th May, 2023.

/Desai S Murthy/

Copy to:

1. Appellant
2. Respondent
3. CIT
4. CIT(A)
5. DR, ITAT, Bangalore.

By order

Assistant Registrar
ITAT, Bangalore.