

IN THE INCOME TAX APPELLATE TRIBUNAL “B” BENCH KOLKATA

**BEFORE SHRI RAJPAL YADAV, VICE PRESIDENT
AND SHRI GIRISH AGRAWAL, ACCOUNTANT MEMBER**

**ITA No.1642/Kol/2019
Assessment Year: 2014-15**

Drumstick Nirman Pvt. Ltd. C/o Subash Agarwal & Associates, Advocates, Siddha Gibson, 1, Gibson Lane, Suite 213, 2 nd floor, Kolkata-700069. (PAN: AAECD1442J)	Vs.	Income Tax Officer, Ward-1(4), Kolkata.
(Appellant)		(Respondent)

Present for:

Appellant by : N o n e

Respondent by : Shri P. P. Barman, Addl. CIT, Sr. DR

Date of Hearing : 17.05.2023

Date of Pronouncement : 24.05.2023

ORDER

PER GIRISH AGRAWAL, ACCOUNTANT MEMBER:

This appeal filed by the assessee is against the order of Ld. CIT(A)-10, Kolkata vide Appeal No. 229/CIT(A)-10/Wd-1(4)/14-15/2018-19/Kol dated 22.04.2019 against the assessment order of ITO, Ward-1(4), Kolkata u/s. 143(3) of the Income-tax Act, 1961 (hereinafter referred to as the “Act”), dated 21.12.2016 for AY 2014-15.

2. Ground raised by the assessee is reproduced as under:

“I. For that on the facts and circumstances of the case, Ld. CIT(A) grossly erred in confirming the addition of Rs.66,00,000/- being fresh raising of share capital including share premium by wrongly invoking the provisions of section 68 of the Act.”

3. In the present case none represented the assessee before us. Department was represented by Shri P. P. Barman, Addl. CIT, Sr. DR.

4. On the earlier occasion when the matter was listed for hearing on 06.02.2023, none appeared on behalf of the assessee and the matter was adjourned, directing the registry to issue notice by RPAD as well as inform the assessee through e-mail and telephone. From the order sheet entry of 21.02.2023, we note that the counsel engaged in the present case had withdrawn his Power of Attorney and the matter was adjourned with a direction to issue a fresh notice through RPAD as well as sending it by e-mail and informing over phone. We observe that though the notices have been served, yet no one has come up to represent the matter before us. None has represented the assessee.

4.1. The issue involved in the present case is in respect of addition made towards raising of share capital including share premium u/s. 68 of the Act. From the perusal of the impugned orders of the authorities below, we are inclined to take up the matter with the able assistance of the Ld. Sr. DR, ex parte qua the assessee.

5. Brief facts of the case are that assessee filed its return on 23.03.2015 reporting total income of Rs.4,143/-. Case was selected for scrutiny through CASS for which statutory notices were issued and served on the assessee. In the course of assessment proceedings, Shri A. B. Singh, Ld. AR of the assessee appeared before the Ld. AO. In the course of assessment proceedings, Ld. AO noted that assessee has raised share capital including share premium of Rs. 66 lakh. Assessee had issued 52,800 shares of Rs. 10/- each at a premium of Rs.150/- per share. After considering the submissions made by the assessee, Ld. AO found that the identity and creditworthiness of the share subscribers and the genuineness of the transactions were not satisfactorily explained and thus, made the addition to the total income u/s. 68 of the Act.

Aggrieved, assessee went in appeal before the Ld. CIT(A) who after considering the facts of the case, findings given by the ld. AO and several judicial precedents, dismissed the appeal of the assessee.

6. Before us nothing has been placed on record in support of the claim of the assessee by filing this appeal to substantiate and demonstrate the identity and creditworthiness of the share subscribers and the genuineness of the transactions in respect of share capital raised by the assessee including share premium amounting to Rs. 66 lakh. After considering the observations and findings given by the authorities below, we do not find any reason to interfere in the same and accordingly, uphold the addition so made.

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

Order pronounced in the open Court on 24th May, 2023.

Sd/-
(Rajpal Yadav)
Vice President

Sd/-
(Girish Agrawal)
Accountant Member

Dated: 24th May, 2023

JD, Sr. P.S.

Copy to:

1. The Appellant:
 2. The Respondent
 3. CIT(A)-10, Kolkata
 4. CIT ,
 5. DR, ITAT, Kolkata Bench, Kolkata
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By Order

Assistant Registrar
ITAT, Kolkata Benches, Kolkata