

**IN THE INCOME TAX APPELLATE TRIBUNAL
JABALPUR BENCH, JABALPUR**

**BEFORE SHRI OM PRAKASH KANT, ACCOUNTANT MEMBER
SHRI PAVAN KUMAR GADALE, JUDICIAL MEMBER**

**ITA No.103/Jab/2022
(ASSESSMENT YEAR- 2014- 2015)**

M/s. Narsingh Extraction & Allied Products P.Ltd., 389, Gupteshwar Ward, Madan Mahal, Jabalpur.	vs	Asst.CIT, Circle-2(1), Jabalpur
(Appellant)		(Respondent)
PAN No. AABCN2387H		

Assessee By	Shri Neeraj Agrawal, CA
Revenue By	Shri Saad Kidwai, CIT DR
Date of hearing	20/09/2023
Date of Pronouncement	22/09/2023

ORDER

PER OM PRAKASH KANT, A.M.:

This appeal by the assessee is directed against order dated 19.10.2022 passed by Ld. Commissioner of Income Tax(Appeals), National Faceless Appeal Centre, Delhi [in short "Ld.CIT(A)"] for assessment year 2014-15, raising following grounds:

- 1. "The learned CIT(Appeal) erred in disposing of appeal without considering the grounds of appeal raised by the appellant.*
- 2. The business of the assessee is discontinued, hence email was not in sue therefore missed the e-mail of hearing hence*

could not respond the same, further opportunity should be provided.

3. *The Id AO erred in holding that commodity trading loss of Rs. 4,14,46,993/- is speculative loss and disallowing the same. Without prejudice to above and in alternative the Id AO should have carried forwarded commodity trading loss of Rs. 4,14,46,993/-.*
4. *That on the facts and in the circumstances of the case the Id AO was not justified in adding notional interest of Rs. 6,63,000/- to the income of the appellant by applying the provision of section 68 of the Act.*
5. *That the applicant itself has disallowed the amount u/s 43B of the current year and claimed the amount paid during the year as deduction, hence the Id AO was not justified in adding Rs. 3,71,548/- to the income of the appellant by applying the provision of section 43B of the Act.*
6. *That on the facts and in the circumstances of the case the Id AO was not justified in disallowing Rs. 80,000/- out of packing material expense and Rs. 20,000/- out of refinery chemical expense on conjecture and surmises.*
7. *That considering the fact that poojan expense of Rs. 96,045/- incurred by the appellant are duly supported with bills and vouchers hence the Id AO was not justified in disallowing an imaginary amount of Rs. 3,71,548/-out of these expense and adding the same to the income.*
8. *That on the facts and in the circumstances of the case the Id AO was not justified in disallowing share expense of Rs. 27,829/- holding it as speculative loss Without prejudice to above and in alternative the Id AO should have carried*

forwarded share expense of Rs. 27,829/- to subsequent assessment year.

9. *That considering the fact that the case of the appellant was not selected for scrutiny for the reasons on which the ld AO has made the various disallowances/addition hence the disallowance /an addition of Rs. 4,29,80,618/- (4,14,46,693+6,63,000 +3,71,548+ 1,00,000+3,71,548 +27,829) made without complying with the CBDT guideline on this issue is bad in law, and should be deleted.*
10. *That the Assessee craves leave to raise any other 10 ground/s on or before the date of hearing to prove that the order of the CIT(Appeal) is bad.”*

2. We have heard Ld. Authorized Representatives of the parties on the issue in dispute and perused the relevant material available on record. On perusal of the impugned order, we find that Ld.CIT(A) has dismissed the appeal in default of the assessee by making appearance/filing submissions in response to the various notices issued by the Department. Before us the ld Counsel submitted that during intervening period, there was lull in the business and thus there was no regular mechanism for attending e-mails and hence the notices issued could not be attended. Before us, Ld. Counsel for the assessee has given an undertaking that if matter is restored back, the assessee shall cooperate in the proceedings before Ld.CIT(A). We find that the CIT(A) has not given any finding on the merit of the grounds raised by the assessee. We are of the opinion

that under the provisions 250(6) of the Act, Ld.CIT(A) is required to decide the issue in dispute raised on merit and pass a reasoned order. Therefore, we feel it appropriate to set aside the order of Ld.CIT(A) and restore the matter back for deciding afresh after taking into consideration the submissions of the assessee. In view of the above, the grounds raised by the assessee are allowed for statistical purposes.

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

Order pronounced in the open Court on 22/09/2023.

Sd/-

**(PAVAN KUMAR GADALE)
JUDICIAL MEMBER**

Sd/-

**(OM PRAKASH KANT)
ACCOUNTANT MEMBER**

Amit Kumar

Copy to:

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

Asstt. Registrar
Jabalpur Bench