

IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH: C: NEW DELHI

BEFORE SHRI CHANDRA MOHAN GARG, JUDICIAL MEMBER
AND
DR. B.R.R. KUMAR, ACCOUNTANT MEMBER

ITA No.3493/Del/2017
Assessment Year: 2009-10

M/s. Hughes Network Systems India Ltd., 1, Shivji Marg, Westend Greens, NH-8, New Delhi 110037 PAN AAACH 3025 R	vs.	The DCIT, Circle 12(1), C.R Building New Delhi
(Appellant)		(Respondent)

For Assessee:	Shri Neeraj Jain, Adv.
For Revenue :	Shri Krishna Kr. Mishra, Sr. DR

Date of Hearing :	25.09.2023
Date of Pronouncement :	29.09.2023

ORDER

PER CHANDRA MOHAN GARG, J.M.

This appeal has been filed against the order of CIT(A)-16, New Delhi dated 03.03.2017 for A.Y. 2009-10.

2. The grounds have been raised by the assessee are as follows:-

1. That the Commissioner of Income Tax (Appeals) [‘CIT(A)’] erred on facts and in law in confirming disallowance of miscellaneous expenses amounting to Rs. 95,444 allegedly on the ground that the appellant has failed to furnish any details and provide any justification thereof.

2., That the CIT(A) erred on facts and in law in confirming disallowance of deduction of bad debts written off amounting to Rs.22,08,292 allegedly on the ground that the appellant has failed to provide details to confirm that such debt was taken in account while computing the income of previous year(s).

3. That the CIT(A) erred on facts and in law in confirming disallowance of legal and professional expenditure amounting to Rs.9,26,123 allegedly on the ground that the appellant has failed to furnish any evidence during the course of hearing.

4. That the CIT(A) erred on facts and in law in disallowing bad debts written off, miscellaneous expenses and legal and professional expenses without appreciating that

the accounts of the appellant are duly audited by the statutory auditors, tax auditors and cost auditors and it was observed in their reports that the books of accounts of the appellant were duly supported by necessary supporting papers.

Application of assessee for admission of additional evidence under Rule 29 of the Income-Tax (Appellate Tribunal) Rules, 1963.

3. The Id. counsel of assessee submitted that in connection with ground no. 2 & 3 of assessee the appellant want to place additional documentary evidence on both the issues placed as additional evidence paper book as the assessee was prevented from filing these relevant evidences due to the reason as neither the Assessing Officer nor Id. CIT(A) asked the assessee to file more evidence to substantiate its explanation regarding both the issues neither by way of show cause notice by way of order sheet entry therefore the additional evidence may kindly be admitted for consideration.

4. Replying to the above the Id. Senior DR oppose to the admission of additional evidence and at the same time, in all fairness, he submitted that the Department has no serious objection if it is found just and proper to admit the additional evidence. He also added that in the event the additional evidence is admitted then the Assessing Officer may kindly be allowed to examine and verify the same.

5. On careful consideration of above submissions we are of the view that since neither the Assessing Officer nor Id. CIT(A) asked the assessee to further substantiate his explanation and without show causing the assessee explanation and evidence was disbelieved and discarded by the authorities below. Therefore we safely observed that the assessee was prevented from filing documentary evidence placed in paper book filed on 22.09.2023 due to sufficient reason and hence the additional evidence is admitted for consideration accordingly application of appellant is allowed.

6. Since above noted additional evidence was not placed before the authorities below therefore the matter is restored to the file of Assessing Officer for afresh adjudication of both the issues after taking into consideration additional evidence admitted and after allowing due opportunity of hearing to the assessee without being

prejudice from the earlier findings on both the issues in the assessment as well as first appellate order.

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

Order pronounced in the open court on 29.09.2023.

Sd/-
(DR. B.R.R. KUMAR)
ACCOUNTANT MEMBER

Sd/-
(CHANDRA MOHAN GARG)
JUDICIAL MEMBER

Dated: 29th September, 2023.

NV/-

Copy forwarded to :

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

// By Order //

Asstt. Registrar, ITAT, New Delhi