



**IN THE INCOME TAX APPELLATE TRIBUNAL,  
CUTTACK BENCH, CUTTACK  
(through virtual hearing)**

**BEFORE S/SHRI GEORGE MATHAN, JUDICIAL MEMBER AND  
RAJESH KUMAR, ACCOUNTANT MEMBER**

**ITA No.208/CTK/2023**  
Assessment Year : 2016-17

Sungreen Valleys Pvt Ltd., T-19, Civil Township, Rourkela.	Vs.	ACIT, Circle, Rourkela
PAN/GIR No.AAICS 6153 M		
<b>(Appellant)</b>	..	<b>( Respondent)</b>

Assessee by : None  
Revenue by : Shri Charan Dass, Sr DR

**Date of Hearing : 13/10/2023**  
**Date of Pronouncement : 13/10/2023**

**ORDER**

Per Bench

This is an appeal filed by the assessee against the order of the Id CIT(A), NFAC, Delhi, dated 27.4.2023 in Appeal No.ITBA/NFAC/S/250/2023-24/1052397889(1) for the assessment year 2016-17.

2. None appeared on behalf of the assessee, when the matter was called on hearing. However, an adjournment petition is placed on record to adjourn the appeal on the ground that the assessee has not prepared the submission to be filed before the Tribunal. Considering the fact that there was no appearance by the assessee before the Id CIT(A) and appeal

was disposed of exparte, we reject the adjournment petition and proceed to dispose of the appeal in the absence of the assessee.

3. Shri Charan Dass, Id DR appeared on behalf of the revenue.

4. We have heard Id Sr DR and perused the record of the case. A perusal of the order of the Id CIT(A) shows that there was no response from the side of the assessee despite giving various opportunities as is evident from the impugned order. It is also noted that during the assessment proceedings, the assessee has not appeared before the Assessing Officer and the assessment has been passed exparte. The only dispute in this case is the application of section 50C. In the grounds of appeal, the assessee has agitated that the Assessing Officer without considering the factual information and submission enhanced the long term capital gain returned by the assessee, which is not correct. This fact has not been agitated either before the AO or before the Id CIT(A). In view of above, we consider it deem and fit to restore the matter back to the file of the Assessing Officer to pass denovo assessment order after considering the written submission and evidences filed on record and may be filed during the fresh proceedings after granting adequate opportunity of hearing to the assessee. The assessee is also directed to cooperate with the Assessing Officer for fresh adjudication of the issue.

5. In the result, appeal of the assessee stands partly allowed for statistical purposes.

Order dictated and pronounced in the open court on 13/10/2023.

Sd/-  
**(Rajesh Kumar)**  
**ACCOUNTANT MEMBER**

Cuttack; Dated 13/10/2023  
B.K.Parida, SPS (OS)

sd/-  
**(George Mathan)**  
**JUDICIAL MEMBER**

**Copy of the Order forwarded to :**

1. The Appellant : Sungreen Valleys Pvt Ltd.,  
T-19, Civil Township, Rourkela.
2. The Respondent: ACIT, Circle, Rourkela
3. The CIT(A)- NFAC, Delhi
4. Pr.CIT-, Sambalpur
5. DR, ITAT, Cuttack
6. Guard file.  
//True Copy//

**By order**

Sr.Pvt.secretary  
**ITAT, Cuttack**