

आयकर अपीलिय अधिकरण, 'ए' न्यायपीठ, चेन्नई
IN THE INCOME-TAX APPELLATE TRIBUNAL 'A' BENCH, CHENNAI
श्री वी. दुर्गा राव, न्यायिक सदस्य एवं श्री मनोज कुमार अग्रवाल, लेखा सदस्य के समक्ष ।
Before Shri V. Durga Rao, Judicial Member &
Shri Manoj Kumar Aggarwal, Accountant Member

आयकर अपील सं./I.T.A. No.597/Chny/2023
निर्धारण वर्ष/Assessment Year: 2000-01

M. Ct. M. Corporation Private Limited, Vs. The Deputy Commissioner of
[Now dissolved as M. Ct. M. Global Income Tax,
Investments P. Ltd. and Sivagami Corporate Circle 4(1),
Holdings (P) Ltd., 761, Anna Salai, Chennai 600 034.
Chennai 600 002.
[PAN:AAACM4530C]

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से / Appellant by : Shri G. Sitharaman, CA
प्रत्यर्थी की ओर से/Respondent by : Shri Nilay Baran Som, CIT
सुनवाई की तारीख/ Date of hearing : 20.11.2023
घोषणा की तारीख /Date of Pronouncement : 29.11.2023

आदेश /O R D E R

PER V. DURGA RAO, JUDICIAL MEMBER:

This appeal filed by the assessee is directed against the order of the Id. Commissioner of Income Tax (Appeals), National Faceless Appeal Centre [NFAC], Delhi, dated 14.03.2023 relevant to the assessment year 2000-01.

2. The Assessing Officer has completed the assessment under section 143(3) r.w.s. 147 of the Income Tax Act, 1961 ["Act" in short] dated 29.09.2021 assessing short term capital gains income of the

assessee at ₹.89,05,28,253/- under section 50B of the Act, against which, the assessee preferred an appeal before the Id. CIT(A). The Id. CIT(A) confirmed the assessment order for want of prosecution.

3. On being aggrieved, the assessee is in appeal before the Tribunal. When the appeal was taken up for hearing, the Id. Counsel for the assessee has submitted that one of the Directors, who was looking after taxation matters, expired and therefore, the assessee could not be able to represent before the Id. CIT(A) and prayed that one more opportunity may be afforded to substantiate its case before the Id. CIT(A).

4. On the other hand, the Id. DR has submitted that the assessee has not at all responded to the hearing notices issued by the Id. CIT(A) and therefore, the Id. CIT(A) compelled to pass ex-parte order without going into merits of the case

5. We have heard both the sides, perused the materials available on record and gone through the orders of authorities below. In the appellate order, the Id. CIT(A) has recorded that the assessee has not filed the facts of the case and grounds of appeal. The assessee has not even filed any submissions in support of its cryptic grounds of appeal or in opposition to the assessment order dated 29.09.2021. In this scenario, the Id. CIT(A) issued several hearing notices dated 18.08.2022,

25.01.2023, 24.02.2023, 06.03.2023 and 08.03.2023. However, the assessee did not respond to any of the notices. Therefore, considering the attitude of the assessee and zero response to hearing notices, the Id. CIT(A) dismissed the appeal without going into merits of the case.

6. Considering the submissions and prayer of the Id. Counsel and in order to meet the ends of natural justice, we are of the opinion that the assessee shall be afforded one more opportunity of being heard to substantiate its case before the Id. CIT(A). Accordingly, we set aside the exparte appellate order and remit the matter back to the file of the Id. CIT(A) to afford one more opportunity to the assessee to substantiate its case with suitable explanation and evidences and thereafter, the Id. CIT(A) shall decide the issue on merits in accordance with law. The assessee is also directed to furnish complete details before the Id. CIT(A).

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

Order pronounced on 29th November, 2023 at Chennai.

Sd/-
(MANOJ KUMAR AGGARWAL)
ACCOUNTANT MEMBER

Sd/-
(V. DURGA RAO)
JUDICIAL MEMBER

Chennai, Dated, 29.11.2023

Vm/-

आदेश की प्रतिलिपि अग्रेषित/Copy to: 1. अपीलार्थी/Appellant, 2. प्रत्यर्थी/ Respondent,
3. आयकर आयुक्त/CIT, 4. विभागीय प्रतिनिधि/DR & 5. गार्ड फाईल/GF.