

**IN THE INCOME TAX APPELLATE TRIBUNAL  
“E” BENCH, MUMBAI**

**BEFORE SHRI KULDIP SINGH, JM &  
MS PADMAVATHY S, AM**

**I.T.A. No. 3038/Mum/2023  
(Assessment Year: 2018-19)**

<b>Ericson Insurance TPA Pvt. Ltd.</b> 308, 3 <sup>rd</sup> Floor, Swastik Chambers, Swastik Park, Chembur East, Mumbai-400071.  <b>PAN : AACCE7732L</b>	Vs.	<b>Addl/Joint/Dy/Asst. CIT,</b> National e-Assessment Centre, Delhi.
<b>Appellant)</b>	:	<b>Respondent)</b>

**Appellant/Assessee by** : None  
**Revenue/Respondent by** : Shri P.D. Chougule (Addl. CIT)  
  
**Date of Hearing** : 19.12.2023  
**Date of Pronouncement** : 19.12.2023

**ORDER**

**Per Padmavathy S, AM:**

This appeal is against the order of the Commissioner of Income Tax, Appeals, / National Faceless Appeal Centre dated 30.06.2023 for the AY 2018-19.

2. The assessee is a company carrying on the business of third party Administrator (TPA) for insurance company. The assessee also carries out three

policy health check-up for insurance company. For the AY 2018-19, the assessee filed the return of income on 03.07.2018 declaring a loss of Rs. 78,70,133/-. The case was selected for scrutiny under CASs and the statutory notices were duly served on the assessee. The Assessing Officer (AO) called for various details from the assessee from time to time. The AO noticed that the receipts of the assessee for professional or technical services provided as per Form 26AS is Rs. 1,81,45,743/- and that the assessee in the return of income has shown receipt of revenue of Rs. 1,68,71,661/-. The AO called on the assessee to submit a reconciliation of income as per the P&L A/c with income as per Form 26AS. Since the assessee did not file any details with regard to the query raised the AO proceeded to add the difference amount of Rs. 12,74,084/- as income in the hands of the assessee.

3. Aggrieved the assessee filed the appeal before the CIT(A). Before the CIT(A), the assessee contended the addition both on legal/technical grounds and also on merits. Before the CIT(A), the assessee did not furnish any further details and also did not respond to the notices issued. Therefore, the CIT(A) passed an ex-parte order and considering the details available on record, dismissed the appeal.

4. Aggrieved by the order of the CIT(A) , the assessee is in appeal before the Tribunal once again contending the issue on legal/technical grounds. None appeared for the assessee before us and we heard the ld. DR.

5. The only addition made by the AO during assessment proceeding is towards the difference between the income as per P & L A/c and Form 26AS. The AO made the addition since the assessee did not file any response to the queries raised. The CIT(A) had issued notices on 19.01.2023 and 21.06.2023 and

the assessee did not file any response to the said notices. Accordingly, the CIT(A) proceeded to decide the appeal based on materials available on record and dismissed the appeal. Though the assessee has raised legal / technical grounds before us, the basic issue is emanating from the difference between the income as per P & L A/c and Form 26AS. It is noticed that the assessee failed to provide any reconciliation explaining the reasons for the difference before the lower authorities and in our view this issue needs factual verification of details. Since the CIT(A) has passed an ex-parte order, in the interest of natural justice and fair play, we are giving one more opportunity to the assessee to submit the details of reasons for the difference and to present the issue on merits before the CIT(A). Accordingly, we remit the issue back to the CIT(A) for a fresh verification of the issue under consideration by calling for relevant details as may be required in this regard. The assessee is directed to respond to the notices without seeking adjournments and co-operate with the appellate proceedings. It is ordered accordingly.

6. In the result, appeal is allowed for statistical purpose.

*Order pronounced in the open court on 19-12-2023.*

*Sd/-*  
**(KULDIP SINGH)**  
**Judicial Member**

*Sd/-*  
**(PADMAVATHY S)**  
**Accountant Member**

*\*SK, Sr. PS*

**Copy of the Order forwarded to :**

1. The Appellant
2. The Respondent
3. DR, ITAT, Mumbai
4. Guard File
5. CIT

BY ORDER,

(Dy./Asstt. Registrar)  
**ITAT, Mumbai**