

**आयकर अपीलीय अधिकरण, कोलकाता पीठ 'ए', कोलकाता**

**IN THE INCOME TAX APPELLATE TRIBUNAL "A" BENCH KOLKATA**

**Before Shri Sanjay Garg, Judicial Member and Rajesh Kumar, Accountant Member**

**I.T.A No.959/Kol/2023  
Assessment year: 2012-13**

**Royal Fortune Business Consultants India Pvt. Ltd. ....Appellant  
Flat No.2C, S.P. Block, 1<sup>st</sup> Floor,  
Raja Subodh Chandra Mullick Road,  
Kolkata- 700092.  
[PAN: AADCR9408F]**

**vs.**

**ITO, Ward-10(4), Kolkata.....Respondent**

**Appearances by:**

None appeared on behalf of the appellant.

Shri B. K. Singh, JCIT-Sr. DR, appeared on behalf of the Respondent.

Date of concluding the hearing : January 04, 2024

Date of pronouncing the order : January 09, 2024

**आदेश / ORDER**

**संजय गर्ग, न्यायिक सदस्य द्वारा / Per Sanjay Garg, Judicial Member:**

The present appeal has been preferred by the assessee against the order dated 27.07.2023 of the National Faceless Appeal Centre (hereinafter referred to as the 'CIT(A)') passed u/s 250 of the Income Tax Act (hereinafter referred to as the 'Act').

2. No one has put in appearance on the behalf of the assessee despite notice. However, on earlier date also i.e. 08.11.2023, the notice was issued to the assessee but no one has put in appearance and the case was adjourned for today. It seems that the assessee is not interested in pursuing its appeal, therefore, we proceed to adjudicate this appeal after hearing the ld. DR and after going through the records.

3. The assessee in this appeal has taken the following grounds of appeal:

*“1. For that the assessment order passed by the Ld. A.O. u/s. 147 r.w.144 is bad in law and is liable to be quashed.*

*2. For that the reassessment proceedings initiated after 4 years from the end of the assessment year without there being any failure on the part of the assessee to disclose fully and truly any material facts is without jurisdiction being barred by limitation.*

*3. For that the reasons mentioned in the assessment order, the same lack and tangible material and suffers from borrowed satisfaction, therefore the entire proceedings are bad in law and ab initio void. Moreover it appears that before initiation of reassessment proceedings either no approval was obtained as mandated u/s 151 or the approval, if any, was granted mechanically.*

*4. For that the Ld. AO erred in passing the assessment order ex- parte without providing the assessee any effective opportunity of being heard.*

*5. For that Ld. CIT(A) also erred in passing the appellate order ex- parte without providing the appellant any effective opportunity of being heard. Even otherwise, the Ld. CIT(A) erred in passing the appeal ex-parte without individually dealing with each of the grounds on merits.*

*6. For that the CIT(A) erred in confirming the action of the Ld. AO erred in assessing the entire share capital of Rs. 4.90 Crore as unexplained cash credit.*

*7. For that the appellant craves leave to add, alter or delete all or any of the grounds of appeal.”*

3. The assessee in this appeal is aggrieved from the confirmation of addition of Rs.4,90,00,000/- on account of share capital received by the assessee treated by the Income Tax authorities as unexplained cash credits.

4. A perusal of the above grounds of appeal would reveal that the assessee mainly has raised the issue regarding the validity of the reopening of the assessee. However, no submissions or documents or explanations have been produced on file to demonstrate as to how the reopening of the assessment was bad in law. A perusal of case file

records show that the impugned assessment order dated 28.12.2018 is also ex parte order and the assessee has neither put in appearance nor furnished any details before the Assessing Officer. Even the impugned order of the CIT(A) is also an ex parte order. A perusal of case file records show that the assessee throughout from the very beginning has been reluctant in pursuing his matter and has never put any appearance or furnished any details as and when called for by the lower authorities and even before this Tribunal, despite notice the assessee has failed to put in appearance or furnishing any details. Under the circumstances, we do not find any infirmity in the order of the CIT(A) and the same is upheld. The appeal of the assessee is hereby dismissed

5. In the result, the appeal of the assessee stands dismissed.

***Kolkata, the 9<sup>th</sup> January, 2024.***

Sd/-  
**[Rajesh Kumar]**  
लेखा सदस्य /**Accountant Member**

Sd/-  
**[Sanjay Garg]**  
न्यायिक सदस्य /**Judicial Member**

Dated: 09.01.2024.

RS

*Copy of the order forwarded to:*

1. Royal Fortune Business Consultants India Pvt. Ltd.
2. ITO, Ward-10(4), Kolkata
3. CIT(A)-
4. CIT- ,
5. CIT(DR),

//True copy//

By order

Assistant Registrar, Kolkata Benches