

आयकर अपीलीय अधिकरण “ए” न्यायपीठ चेन्नई में।
IN THE INCOME TAX APPELLATE TRIBUNAL
“A” BENCH, CHENNAI

माननीय श्री महावीर सिंह, उपाध्यक्ष एवं
माननीय श्री मनोज कुमार अग्रवाल, लेखक सदस्य के समक्ष।
BEFORE HON'BLE SHRI MAHAVIR SINGH, VP AND
HON'BLE SHRI MANOJ KUMAR AGGARWAL, AM

आयकर अपील सं. ITA No.386/Chny/2023
(निर्धारण वर्ष / Assessment Year: 2006-07)

M/s. Southern Petrochemical Industries Corporation Limited (assessed as M/s SPIC Holdings and Investments Ltd.) 88, Spic House, Mount Road, Guindy, Chennai-600 032.	बनाम / Vs.	Income Tax Officer Corporate Ward-3(1) Chennai-600 034.
स्थायी लेखासं./जी आइ आर सं./PAN/GIR No. AAACS-4668-K		
(पीलार्थी/ Appellant)	:	(प्रत्यर्थी/ Respondent)

अपीलार्थीकी ओरसे/ Appellant by	:	Shri R. Vijayaraghavan & Shri Saroj Kumar Parida (Advocates)-Ld. ARs
प्रत्यर्थीकी ओरसे/ Respondent by	:	Shri Nilay Baran Som (CIT) & Shri AR V Sreenivasan (Addl. CIT)-Ld. DRs

सुनवाईकी तारीख/ Date of Hearing	:	16-10-2023
घोषणाकी तारीख/ Date of Pronouncement	:	10-01-2024

आदेश / ORDER

Manoj Kumar Aggarwal (Accountant Member)

1. Aforesaid appeal by assessee arises out of an order passed by Learned Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi [CIT(A)] on 27.01.2023 in the matter of an assessment framed by Ld. Assessing Officer [AO] u/s. 143(3) of the Act on 15.12.2008. In the assessment order, Ld. AO made disallowance of business expenditure and capital losses. Though assessee preferred

further appeal, it remained non-compliant as noted in para-3 of the impugned order. In the result, assessment was confirmed against which the assessee is in further appeal before us. The Ld. AR has pleaded for another opportunity of hearing.

2. After going through impugned order, we concur with the submissions of Ld. AR that the assessee has remained un-represented before first appellate authority which has resulted into an ex-parte order by Ld. CIT(A). Keeping in mind the principles of natural justice, we deem it fit to provide another opportunity of hearing to the assessee. Accordingly, the impugned order is set-aside and the appeal is restored back to the file of Ld. CIT(A) for de-novo adjudication with a direction to the assessee to substantiate its case.

3. The appeal stand allowed for statistical purposes.

Order pronounced on 10th January, 2024

Sd/-
(MAHAVIR SINGH)
उपाध्यक्ष / **VICE PRESIDENT**

Sd/-
(MANOJ KUMAR AGGARWAL)
लेखा सदस्य / **ACCOUNTANT MEMBER**

चेन्नई Chennai; दिनांक Dated :10-01-2024
DS

आदेशकीप्रतिलिपिअग्रेषित/Copy of the Order forwarded to :

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकरआयुक्त/CIT
4. भागीयप्रतिनिधि/DR
5. गार्डफाईल/GF