

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH 'B': NEW DELHI**

**BEFORE,
SHRI M. BALAGANESH, ACCOUNTANT MEMBER
AND
SHRI YOGESH KUMAR U.S., JUDICIAL MEMBER**

ITA No.1804/Del/2022, A.Y. 2017-18

Gracious Overseas Pvt. Ltd. 500, 5 th Floor, ITL Twin Netaji Subhash Place, Pitampura, New Delhi PAN : AACCD5744M	Vs .	ACIT, Central Circle-2, New Delhi
(Appellant)		(Respondent)

Appellant by	None
Respondent by	Sh. T James Singson, CIT-DR
Date of Hearing	13/12/2023
Date of Pronouncement	09/02/2024

ORDER

PER YOGESH KUMAR U.S., JM:

This appeal is filed by the Assessee against the order of Ld. Commissioner of Income Tax (Appeals)-23, New Delhi ["Ld. CIT(A)", for short], dated 30/06/2022 for the Assessment Year 2017-18. Grounds taken in this appeal is as under:

“1. On the facts and circumstances of the case and in law, the assessment order passed by the assessing officer is bad in law, without jurisdiction and CIT(A) erred in not holding so.

2. On the facts and circumstances of the case and in law, the CIT(A) erred in confirming the addition of Rs. 65,46,10,500/- made by assessing officer on account of alleged unaccounted/undisclosed income u/s 68 of the Act.

3. On the facts and circumstances of the case and in law, the CIT(A) erred in confirming addition of Rs. 11,46,60,258/- made by assessing officer on account of alleged commission earned on alleged bogus transaction.

The aforesaid grounds of appeal are without prejudice to each other.”

3. The assessee is aggrieved by ex-parte order passed by the Id. CIT(A) wherein the Ld. CIT(A) has dismissed the Appeal filed by the assessee vide order dated 30/06/2022. Six notices have been sent by the Office of the Tribunal to the registered address of the assessee, which were returned with an endorsement 'left without address'. Right from the filing of the present Appeal the assessee has not appeared even a single occasion before the Tribunal.

Considering the conduct of the assessee, we are compelled to decide the Appeal after hearing the Ld. Departmental Representative.

4. The Ld. Departmental Representative vehemently submitted that the assessee has not appeared even before the Ld. CIT(A) though the Ld. CIT(A) has issued several notices. Relying on the order of the Lower Authorities, the Ld. Departmental Representative submitted that the Appeal filed by the assessee is liable to be dismissed.

4. We have heard both the parties and perused the material available on record. An Assessment Order came to be passed u/s 143(3) of the Act by assessing the income of the assessee at Rs. 76,89,13,588/- as against the return of income declared by the assessee at Rs. -3,57,170/-. The assessee preferred an appeal before the CIT(A). The Ld. CIT(A) has issued 12 notices but the assessee has not appeared before the 1st Appellate Authority, on the other hand, furnished a reply by online on 16/04/2022. After considering the reply filed by the assessee, the ld. CIT(A) confirmed

the addition made by the A.O. The Ld. CIT(A) has considered the written reply filed by the assessee and also based on the material available on record, confirmed the addition of Rs. 65,46,10,500/- made on account of unaccounted/undisclosed income u/s 68 of the Act and Rs. 11,46,60,258/- made on account of bogus transaction. We have gone through the assessment order and also the order of the Ld. CIT(A) which being a first appellate authority, having gone into the facts of the case, dismissed the Appeal and since the assessee is not present before the Tribunal to contradict any of the findings of the Lower Authorities, we find no reason to entertain the Appeal filed by the assessee, accordingly, the Appeal filed by the assessee is dismissed.

5. In the result, the Appeal filed by the assessee is dismissed,

Order pronounced in open Court on 09th February, 2024

Sd/-

Sd/-

(M.BALAGANESH)
ACCOUNTANT MEMBER

(YOGESH KUMAR U.S.)
JUDICIAL MEMBER

Dated: 09/02/2024
B.R./R.N, Sr. Ps.

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

ASSISTANT REGISTRAR
ITAT, NEW DELHI