

**आयकर अपीलीय अधिकरण, कोलकाता पीठ “ए”, कोलकाता**  
**IN THE INCOME TAX APPELLATE TRIBUNAL “A” BENCH: KOLKATA**  
श्री संजय गर्ग, न्यायिक सदस्य एवं श्री राजेश कुमार, लेखा सदस्य के समक्ष  
[Before Shri Sanjay Garg, Judicial Member & Shri Rajesh Kumar, Accountant Member]

**I.T.A. No. 914/Kol/2023**  
**Assessment Year: 2012-13**

M/s Tabassum Dealers Pvt. Ltd.  (PAN: AABCT 7258 F)	Vs.	ITO, Ward-4(1), Kolkata
Appellant / (अपीलार्थी)		Respondent / (प्रत्यर्थी)

Date of Hearing / सुनवाई की तिथि	09.01.2024
Date of Pronouncement/ आदेश उद्घोषणा की तिथि	21.02.2024
For the Appellant/ निर्धारिती की ओर से	None
For the Respondent/ राजस्व की ओर से	Shri S. Dutta, CITDR

**ORDER / आदेश**

**Per Rajesh Kumar, AM:**

This is the appeal preferred by the assessee against the order of the Ld. Ld. Commissioner of Income Tax (Appeal)-NFAC, Delhi (hereinafter referred to as the Ld. CIT(A)"] dated 18.08.2023 for the AY 2012-13.

2. At the time of hearing, when the case was called for hearing neither the assessee nor his A.R was present despite service of notice. We also note that the case was already listed on number of occasions. It was posted on 30.10.2023 when an

adjournment letter was filed by the assessee and accordingly the case was adjourned to 08.11.2023. Again on that date a letter of adjournment was received and the same was adjourned to 4.11.2024 at the request of the assessee vide letter dated 06.11.2023. However, on 4.1.2024 no one appeared on behalf of the assessee. Having regard to the principles of natural justice, the Bench again decided to give a final opportunity to the assessee to present its case and accordingly notice was sent on e-mail as well as through RPAD fixing the date on 9.1.2024. On the last date also none appeared on behalf of the assessee. Considering these facts and circumstances, we are of the view that the assessee is not interested in prosecuting its appeal and therefore the same is being decided ex-parte after considering the material available on record.

3. The only issue raised by the assessee in ground no. 2 is against the confirmation of addition of Rs. 45,00,00,000/- by the AO on account of share capital and share premium as unexplained cash credit u/s 68 of the Act.

4. After perusing the assessment order as well as appellate order, we observe that the assessee has received money from various companies which could not be verified by the AO as well as the Ld. CIT(A) without the requisite details/evidences on the part of the assessee. Consequently the amount was added as unexplained cash credit to the income of the assessee and assessment was framed u/s 143(3)/254 of the Act. We note that this was a case where the Tribunal vide order dated 14.01.2019 has set aside the ex-parte order passed by the Ld. CIT(A) and restored the issue back to the file of AO for deciding afresh after affording a reasonable opportunity to the assessee. We note that pursuant to the directions of the tribunal, the AO has granted sufficient opportunity to the assessee but the assessee could not prove the identity, creditworthiness and genuineness of the transactions. Accordingly the same was added to the income of the assessee and also confirmed by Ld. CIT(A). The appellate authority passed a very speaking and detailed order dealing with each and every aspect with which we do not find any infirmity which warrant out interference.

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Assessment Year: 2012-13  
M/s Tabassum Dealers Pvt. Ltd.

Accordingly we are inclined to uphold the same by dismissing the appeal of the assessee.

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

Order is pronounced in the open court on 21<sup>st</sup> February, 2024

Sd/-  
(Sanjay Garg /संजय गर्ग)  
Judicial Member/न्यायिक सदस्य

Sd/-  
(Rajesh Kumar/राजेश कुमार)  
Accountant Member/लेखा सदस्य

Dated: 21<sup>st</sup> February, 2024

SM, Sr. PS

Copy of the order forwarded to:

1. Appellant- M/s Tabassum Dealers Pvt. Ltd., B/9/H/1, Rajab Ali Lane, Kolkata-700023
2. Respondent – ITO, Ward-4(1), Kolkata
3. Ld. CIT(A)-NFAC, Delhi
4. Pr. CIT- , Kolkata
5. DR, Kolkata Benches, Kolkata (sent through e-mail)

True Copy

By Order

Assistant Registrar  
ITAT, Kolkata Benches, Kolkata