

**IN THE INCOME TAX APPELLATE TRIBUNAL "A" BENCH KOLKATA
BEFORE SHRI SANJAY GARG, JUDICIAL MEMBER
AND SHRI GIRISH AGRAWAL, ACCOUNTANT MEMBER**

**ITA No.452/Kol/2023
Assessment Year: 2011-12**

Harsha Consortium Pvt. Ltd. Room No. 3, 1 st floor, Stephen House, 4, B. B. D Bag (east), Kolkata-700001. (PAN: AABCH6873N)	Vs.	Income Tax Officer, Ward- 8(4), Kolkata.
(Appellant)		(Respondent)

Present for:

Appellant by : N o n e

Respondent by : Shri B. K. Singh, JCIT, Sr. DR

Date of Hearing : 01.02.2024

Date of Pronouncement : 08.03.2024

ORDER

PER GIRISH AGRAWAL, ACCOUNTANT MEMBER:

This appeal filed by the assessee is against the order of Ld. CIT(A), National Faceless Appeal Centre (NFAC), Delhi vide Order No. ITBA/NAC/S/250/2022-23/1050223414(1) dated 28.02.2023 passed against the penalty order by ITO, Ward-8(4), Kolkata u/s.271(1)(c) of the Income-tax Act, 1961 (hereinafter referred to as the "Act"), dated 24.06.2019 for AY 2011-12.

2. The sole issue involved in the present appeal is in respect of penalty of Rs.2,64,127/- u/s. 271(1)(c) of the Act. There is a brief delay of three days in filing the present appeal which is condoned for adjudication of the matter.

3. Before us, none represented the assessee. On the earlier several occasions also, the case of the assessee has not been represented by

any one. However, we are inclined to adjudicate on the matter by taking into consideration the orders of the authorities below and with the assistance of Ld. Sr. DR.

4. Brief facts of the case are that assessee filed its original return of income on 30.09.2011, reporting total income at Rs. Nil. Case of the assessee was assessed u/s. 143(3) read with section 147 whereby total income was assessed at Rs.8,54,780/- which included unexplained income from unaccounted fund of Rs.2,22,500/- and unexplained cash deposit of Rs.6,32,280/-.

4.1. In respect of the additions made in the assessment for which penalty proceedings were initiated, Ld. AO noted that no proper explanation regarding the business rationale behind the transactions recorded in the bank statements were furnished in respect of statement of all the parties through which funds were rotated. According to the Ld. AO, assessee could not explain the transaction undertaken therein. Notice u/s. 133(6) was issued on Rahul Panels Pvt. Ltd. (in short "RPPL") but there was no compliance. According to Ld. AO, assessee has claimed to have given advance to RPPL and the receipt of Rs.2,22,000/- was returned from that company was not a genuine transaction. Ld. AO observed that assessee could not explain with documentary evidence as to why the advance was given to the said company. The said amount was received through cash trail and it remained unexplained which was added in the hands of the assessee as unaccounted income.

4.2. In respect of addition of Rs.6,32,280/- which has been treated as unexplained cash credit, Ld. AO observed that assessee could not explain the sources of expenditures which led to this addition. There was no compliance by the assessee in the penalty proceeding for which due notices were issued on the assessee. Ld. AO completed the

penalty proceeding by imposing penalty @ 100% of the amount of tax sought to be evaded i.e. Rs.2,64,127/-.

5. We note that in the assessment order wherein the additions have been made, has not been contested by the assessee in appeal. Furthermore, in the penalty proceedings, assessee has not made any compliance to put-forth its stance of not imposing penalty on the show caused by the AO. Even before the Ld. CIT(A), despite several opportunities given, the assessee has chosen not to attend and submit any details in respect of grounds of appeal. Considering these facts and circumstances of the case, we do not find any reason to interfere with the findings of the authorities below in imposing penalty of Rs.2,64,127/- u/s. 271(1)(c) of the Act. Accordingly, the grounds taken by the assessee are dismissed

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

Order is pronounced in the open court on 8th March, 2024.

Sd/-

(Sanjay Garg)
Judicial Member

Sd/-

(Girish Agrawal)
Accountant Member

Dated: 8th March, 2024

JD, Sr. P.S.

Copy to:

1. The Appellant:
 2. The Respondent.
 3. CIT(A), NFAC, Delhi
 4. CIT
 5. DR, ITAT, Kolkata Bench, Kolkata
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By Order

Assistant Registrar
ITAT, Kolkata Benches, Kolkata