

**आयकर अपीलीय अधिकरण, कोलकाता पीठ 'सी', कोलकाता**  
**IN THE INCOME TAX APPELLATE TRIBUNAL "C" BENCH KOLKATA**

**श्री संजय गर्ग, न्यायिक सदस्य एवं श्री गिरीश अग्रवाल, लेखा सदस्य के समक्ष**  
**Before Shri Sanjay Garg, Judicial Member and Shri Girish Agrawal, Accountant Member**

**I.T.A. No.720/Kol/2022**  
**Assessment Year : 2014-15**

**Orris Trade Link Pvt Ltd.....Appellant**  
**Shop No.B-7-IN,C-197,**  
**Greater Kailash, Part-I,**  
**South Delhi-110048.**  
**[PAN: AAACO8097N]**

**vs.**

**ITO, Ward-1(1), Kolkata..... Respondent**

**Appearances by:**

None appeared on behalf of the appellant.

Shri Umakant Dhruvati, Addl. CIT-DR, appeared on behalf of the Respondent.

Date of concluding the hearing : March 14, 2024

Date of pronouncing the order : March 14, 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 16.11.2022 of the National Faceless Appeal Centre [hereinafter referred to as 'CIT(A)'] u/s 250 of the Income Tax Act (hereinafter referred to as the 'Act').

2. No one has put in appearance on behalf of the assessee despite notices issued on different dates and even efforts were also made to inform the assessee telephonically. Under the circumstances, we proceed to adjudicate the present appeal after hearing the ld. DR.

3. The ld. DR has brought our attention to the impugned order of the CIT(A) to submit that in this case, there were two issues involved before

the CIT(A); first issue was relating to the addition of Rs.2,56,00,000/- made by the Assessing Officer as unexplained cash credits u/s 68 of the Act and the second issue was relating to the disallowance made u/s 14A of the Act. The ld. DR has brought our attention to the relevant part of the impugned order of the CIT(A) to submit that in fact the ld. CIT(A), after discussion of the matter, has decided the issue relating to unexplained cash credit of Rs.2,56,00,000/- in favour of the assessee, however, in the closing para/lines, the ld. CIT(A) mentioned that the addition is directed to be added. The relevant part of the order of the CIT(A), for the sake of ready reference, is reproduced as under:

*“5.3 I have perused the assessment order, submission of the appellant and facts of the case. In the order u/s 143(3), Assessing Officer (AO) observed that assessee has made investment of Rs. 2,56,00,000 /-in the unlisted equity namely Amba Shakti Ispat Ltd.*

*AO noted that assessee could not explain the creditworthiness of investment and therefore made the addition u/s 68 of I.T. Act, 1961.*

*The appellant submits that assessee has received Rs. 2,56,00,000 as the repayment of loan from Amba Metals which was invested in the equity shares of Amba Shakti Ispat Ltd. Appellant has submitted bank account statements, copy of allotment letter for equity shares, confirmation of copy of account of Amba metals, copy of audited balance sheet of Amba Metals etc during the assessment proceedings. In the given facts, there is no reason to doubt the source of investment in equity made by the appellant.*

*Moreover, invoking the section 68 by the Assessing Officer is totally unwarranted. It is the issue of investment and not cash credit. Section 68 is applicable when there is unexplained credit in the books of accounts of the assessee. The transaction of investment doesn't fall in the ambit of Section 68.*

*In the given facts, I am of the considered opinion that the AO erred in making the addition u/s 68 of I.T. Act. The addition is directed to be added. The ground of appeal no. 2 is dismissed.”*

4. A perusal of the above reproduced part of the order reveals that the ld. CIT(A) in fact after discussion has allowed the issue in favour of the assessee. It only seems to be a clerical mistake in writing that the

Ground No.2 is dismissed, whereas, in view of the observations made by the Id. CIT(A), it should have been mentioned as Ground No.2 is allowed. The issue relating to the 14A disallowance has also been allowed by the CIT(A) in favour of the assessee. The department has not filed any appeal against the impugned order of the CIT(A). We accordingly modify the order of the CIT(A) and hold that the Id. CIT(A) in fact has allowed the appeal of the assessee.

5. In view of our above observations, the appeal of the assessee stands allowed.

***Kolkata, the 14<sup>th</sup> March, 2024.***

Sd/-

[गिरीश अग्रवाल /Girish Agrawal]  
लेखा सदस्य/Accountant Member

Sd/-

[संजय गर्ग /Sanjay Garg]  
न्यायिक सदस्य/Judicial Member

Dated: 14.03.2024.

RS

*Copy of the order forwarded to:*

1. Orris Trade Link Pvt Ltd
2. ITO, Ward-1(1), Kolkata
3. CIT (A)-
4. CIT- ,
5. CIT(DR),

//True copy//

By order

Assistant Registrar, Kolkata Benches