

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH 'SMC', NEW DELHI**

Before Dr. B. R. R. Kumar, Accountant Member

ITA No. 276/Del/2024 : Asstt. Year : 2015-16

Liyakat, C/o Sanjeev Anand & Associates, 136, Navyug Market, Ghaziabad, Uttar Pradesh-201001	Vs.	Income Tax Officer, Ward-2(1), Noida-201301
(APPELLANT)		(RESPONDENT)
PAN No. AMXPL9481B		

Assessee by : Sh. Sumit Gupta, CA

Revenue by : Sh. Om Parkash, Sr. DR

Date of Hearing: 28.03.2024

Date of Pronouncement: 02.04.2024
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ORDER

The present appeal has been filed by the assessee against the order of National Faceless Appeal Centre (NFAC), Delhi dated 15.12.2023.

2. Following grounds have been raised by the assessee:

"1 That having regard to the facts and circumstances of the case, Ld. CIT(A) has erred in law and on facts in confirming the action of Ld. AO in framing the impugned reassessment order u/s 144/147 and that too without assuming jurisdiction as per law and without complying the mandatory conditions u/s 147 to 151 as envisaged under the Income Tax Act, 1961.

2 That having regard to the facts and circumstances of the case, Ld. CIT(A) has erred in law and on facts in confirming the addition of Rs. 40,19,186/- as interest on enhanced compensation by recording incorrect facts and findings and without observing the principles of natural justice.

3. That having regard to the facts and circumstances of the case, Ld. CIT(A) has erred in law and on facts in confirming the addition of Rs. 44,19,186/- without allowing deduction u/s 57(iv) of the I. T. Act, 1961 equal to 50% of interest on compensation.

4. That having regard to the facts and circumstances of the case, Ld. CIT(A) has erred in law and on facts in confirming the addition of Rs. 44,19,186/- when interest on enhanced compensation is capital receipt.

5. That having regard to the facts and circumstances of the case, Ld. CIT(A) has erred in law and on facts of the case in not reversing the action of Ld. AO in charging interest u/s 234A, 234B and 234C of the Act."

3. On going through the record, it is found that the Id. CIT(A) has summarily confirmed the order of the Assessing Officer and dismissed the appeal of the assessee without adjudicating the issue on merits owing to the failure of the assessee to attend the hearings. It was pleaded that given an opportunity, the assessee would comply to the notices issued by the revenue. I find that no prejudice would be caused to the revenue, if an opportunity of being heard given to the assessee to file his submissions. Hence, the matter is being remanded to the file of the Id. CIT(A) to adjudicate the issue on merits. The department would be at liberty to initiate proceedings in accordance with the provisions of Income Tax Act for non-compliance to the notices, if any.

4. In the result, the appeal of the assessee is allowed for statistical purposes.

Order Pronounced in the Open Court on 02/04/2024.

Sd/-

(Dr. B. R. R. Kumar)
Accountant Member

Dated: 02/04/2024

Subodh Kumar, Sr. PS

Copy forwarded to:

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

ASSISTANT REGISTRAR