

आयकर अपीलीय अधिकरण 'सी' न्यायपीठ चेन्नई में।
IN THE INCOME TAX APPELLATE TRIBUNAL
'C' BENCH, CHENNAI

मजनीय श्री मनोज कुमार अग्रवाल, लेखक सदस्य एवं
मजनीय श्री मनु कुमार गिरि, न्यायिक सदस्य के समक्ष।
BEFORE HON'BLE SHRI MANOJ KUMAR AGGARWAL, AM
AND HON'BLE SHRI MANU KUMAR GIRI, JM

आयकर अपील सं. ITA No.148/Chny/2024
(निर्धारणवर्ष / Assessment Year: 2012-13)

M/s. Best Winners Insurance Services Private Limited C1, First floor, Thirumala Elite Apartment, Angammal Colony Main Road, Salem-636 009.	बनाम/ Vs.	DCIT Circle-1(1) Salem.
स्थायी लेखासं./जीआइआरसं./PAN/GIR No. AAECB-3474-C		
(अपीलार्थी/ Appellant)	:	(प्रत्यर्थी/ Respondent)

अपीलार्थी की ओरसे/ Appellant by	:	Shri T.S. Lakshmi Venkatraman (FCA)-Ld.AR
प्रत्यर्थी की ओरसे/ Respondent by	:	Shri P. Sajit Kumar (JCIT)-Ld. Sr. DR

सुनवाई की तारीख/ Date of Hearing	:	17-04-2024
घोषणा की तारीख/ Date of Pronouncement	:	17-04-2024

आदेश / ORDER

Manoj Kumar Aggarwal (Accountant Member)

1. Aforesaid appeal by assessee for Assessment Year (AY) 2012-13 arises out of the order of learned Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi [CIT(A)] dated 10-10-2023 in the matter of an assessment framed by Ld. Assessing Officer [AO] u/s. 144 of the Act on 08-12-2019. The assessee is aggrieved by confirmation of addition of Rs.80.95 Lacs.

2. The registry has noted a delay of 44 days in the appeal, the condonation of which has been sought by Ld. AR on the strength of affidavit of Managing Director of the assessee. Considering the period of delay, the delay is condoned and we proceed with disposal of the appeal.

3. It could be seen that the assessment has been framed on *best judgment* basis. Upon perusal of para-4 of first appellate order, it could be seen that the assessee failed to make any representation therein. Accordingly, the assessment was confirmed against which the assessee is in further appeal before us. The Ld. AR has pleaded for another opportunity of hearing which has been opposed by Ld. Sr. DR.

4. Though the assessee has remained negligent, however, keeping in mind the principle of natural justice, we deem it fit to grant another opportunity to the assessee to substantiate its case. Accordingly, the impugned order is set aside and the assessment is restored back to the file of Ld. AO for de novo assessment with a direction to the assessee to substantiate its case. The same would come at a cost of Rs.5,000/- which shall be deposited by the assessee within 30 days from the date of receipt of this order to 'Tamil Nadu State Legal Services Authority' at Hon'ble High Court of Madras. The proof of the same shall be furnished by the assessee to learned AO who shall proceed for de novo assessment after affording opportunity of hearing to the assessee. The assessee is directed to substantiate its case forthwith failing which Ld. AO shall be at liberty to proceed with assessment on merits.

5. The appeal stand allowed for statistical purposes.

Order pronounced in open court on 17th April, 2024.

Sd/-
(MANU KUMAR GIRI)
न्यायिक सदस्य / JUDICIAL MEMBER

Sd/-
(MANOJ KUMAR AGGARWAL)
लेखक सदस्य / ACCOUNTANT MEMBER

चेन्नई Chennai; दिनांक Dated : 17-04-2024
DS

आदेशकीप्रतिलिपिअग्रेषित/Copy of the Order forwarded to :

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकरआयुक्त/CIT
4. विभागीयप्रतिनिधि/DR
5. गार्डफाईल/GF