

**IN THE INCOME TAX APPELLATE TRIBUNAL
MUMBAI BENCH "SMC", MUMBAI**

BEFORE SHRI B.R. BASKARAN, ACCOUNTANT MEMBER

**ITA NO.4284/MUM/2023
Assessment Year 2020-21**

Lakhani Realty LLP
1801, Satra Plaza,
Sector 19-D, Vashi,
Navi Mumbai 400 703
PAN:AAGFL-0260-M

- Appellant

Vs.

CIT(A), NFAC,
Income Tax Department, Ward 28(2)(1),
Vashi Railway Station Bldg.,
Navi Mumbai -400 705

- Respondent

Appellant by : Ms. Siddhi Manu
Respondent by : Shri Suni Mathews, Sr.DR

Date of Hearing : 02/05/2024

Date of Pronouncement : 03/05/2024

ORDER

The assessee has filed this appeal challenging the order dated 24/09/2023 passed by CIT(A), NFAC, Delhi and it relates to the Assessment Year 2020-21. The only issue urged in this appeal relates to addition of Rs.20 lacs made u/s. 68 of the Act relating to loan taken by the assessee.

2. At the outset I notice that the CIT(A) was constrained to pass order ex-parte, since the assessee did not appear before him. I notice that the CIT(A) has dismissed the appeal of assessee confirming the addition made by the Assessing Officer. However, in the interests of natural justice, I am of the view that assessee should be provided with an opportunity to present his case before the CIT(A). I notice that the assessee has not submitted proper reasons for not appearing before the Ld CIT(A). Hence, I impose a cost of Rs.1,000/- (Rupees One

thousand) upon the assessee, which shall be paid to the credit of Income Tax Department within two months from the date of receipt of this order. Subject to the payment of above cost, which shall be verified by the CIT(A) at the time of hearing, I set aside the order passed by CIT(A) and restore all the issues to his file for adjudicating them on merits. I also direct the assessee to fully co-operate with CIT(A) for expeditious disposal of the appeal.

3. In the result, the appeal filed by the assessee is treated as allowed.

Order pronounced in the open court on 03rd May, 2024.

Sd/-

(B.R. Baskaran)
Accountant Member

Mumbai, Date : 03rd May, 2024

VM.

Copy to :

- 1) The Appellant
- 2) The Respondent
- 3) The PCIT/CIT concerned
- 4) The D.R, "SMC" Bench, Mumbai
- 5) Guard file

By Order

Dy./Asstt. Registrar
I.T.A.T, Mumbai