

आयकर अपीलीय अधिकरण, 'बी' न्यायपीठ, चेन्नई
**IN THE INCOME TAX APPELLATE TRIBUNAL
'B' BENCH, CHENNAI**

श्री एबी टी वकी, न्यायिक सदस्य एवं श्री एस. आर. रघुनाथा, लेखा सदस्य के समक्ष
**BEFORE SHRI ABY T VARKEY, HON'BLE JUDICIAL MEMBER AND
SHRI S. R. RAGHUNATHA, HON'BLE ACCOUNTANT MEMBER**

आयकर अपील सं./ITA No.: **1641/Chny/2023**

निर्धारण वर्ष / Assessment Year: 2018-19

SLO Steels Ltd.,
No. 403, D T H Road,
Thiruvottiyur,
Chennai – 600 019.

[PAN: AALCS-4523-Q]

(अपीलार्थी/Appellant)

अपीलार्थी की ओर से/Appellant by
प्रत्यर्थी की ओर से/Respondent by

सुनवाई की तारीख/Date of Hearing

घोषणा की तारीख/Date of Pronouncement

Income Tax Officer,
v. Corporate Ward -6(3),
Chennai.

(प्रत्यर्थी/Respondent)

: Shri. J. Rajesh Samdaria, FCA
: Shri. D. Hema Bhupal, JCIT

: 01.05.2024

: 08.05.2024

आदेश / ORDER

PER S. R. RAGHUNATHA, ACCOUNTANT MEMBER:

This appeal by the assessee is filed against the order of the Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi, for the assessment year 2018-19, vide order dated 02.11.2023.

2. The brief facts are that, the assessee is a limited company engaged in wholesale trading of iron and steel scraps and products. The assessee has filed its return of income for

the assessment year 2018-19 on 31.10.2018. The case was selected for complete scrutiny assessment under E-assessment scheme and accordingly, notice was issued u/s. 143(2) of the Income-tax Act, 1961 (hereinafter referred to as "the Act") dated 22.09.2019. The assessment has been completed by National e-assessment center, Delhi, after giving sufficient opportunities of obtaining the details required for assessment from the assessee and passed assessment order on 16.04.2021, by making additions of Rs.16,75,000/- as unexplained cash credit u/s. 68 of the Act stating that the assessee has failed to justify source of cash deposits made during the year.

3. Aggrieved by the assessment order, the assessee filed an appeal before the Id. CIT(A) on 08.05.2021. Subsequently, the first appellate authority issued four notices by fixing the hearing dates from 12.01.2022 to 19.10.2023 and passed an exparte order dated 02.11.2023, confirming the Assessing Officer's order. Aggrieved by the order of the Id. CIT(A), the assessee has preferred this appeal before us.

4. Per contra, the Id. DR has opposed the plea of assessee to remit back the case to the Id. CIT(A) as the Id. DR does not want us to give one more innings to the assessee.

5. We have heard the rival contentions and gone through the facts and circumstances of the case. We noted that assessee is engaged in wholesale trading of iron and steel scraps and products and due to non-participation before the CIT(A) by the assessee and hence, the exparte order has been passed by the First Appellate Authority. The plea of the assessee was that the non-appearance/participation was not deliberate and the Id. AR undertakes to appear before the authorities, provided an opportunity is given. Since, exparte order has been passed, we deem it fit to restore the issue back to the Id. CIT(A), since there is violation of natural justice and non-compliance of sub-section (6) of section 250 of the Act and direct the CIT(A) to adjudicate the issue, after providing reasonable opportunity to the assessee. Needless to say, assessee to be diligent and is given liberty to file written submissions and relevant documents if advices to do so during the appellate proceedings and the Id. CIT(A) to pass speaking order in accordance to law.

7. In the result, appeal filed by the assessee is allowed for statistical purposes.

Order pronounced in the open court on 08th May, 2024 at Chennai.

Sd/-
(एबी टी वर्की)
(ABY T VARKEY)
न्यायिक सदस्य/**Judicial Member**

Sd/-
(एस. आर. रघुनाथा)
(S. R. RAGHUNATHA)
लेखासदस्य/**Accountant Member**

चेन्नई/Chennai,

दिनांक/Dated, the 08th May, 2024

JPV

आदेश की प्रतिलिपि अग्रेषित/Copy to:

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकर आयुक्त/CIT
4. विभागीय प्रतिनिधि/DR
5. गार्ड फाईल/GF