

**IN THE INCOME TAX APPELLATE TRIBUNAL “SMC” BENCH, KOLKATA**  
**Before**  
**Dr. Manish Borad, Accountant Member**  
**&**  
**Shri Pradip Kumar Choubey, Judicial Member**

**I.T.A. No.383/KOL/2024**  
**Assessment Year: 2014-15**

PSB Investment Pvt. Ltd. 71/1, Panchanantala Road, Howrah-711101 (PAN: AABCP5280F)	<b>Vs.</b>	Assessing Officer, National Faceless Assessment Centre, Delhi
<b>(Appellant)</b>		<b>(Respondent)</b>

**Appearances by:**

*Shri Miraj D. Shah, AR appeared for the Appellant*  
*Shri L. N. Dash, Addl. CIT (DR) appeared for Respondent.*

Date of concluding the hearing : 09.05.2024  
Date of pronouncing the order : 28.05.2024

**ORDER**

**Per Manish Borad, Accountant Member:**

This appeal filed by the assessee pertaining to the Assessment Year (in short “AY”) 2014-15 is directed against the order passed u/s 250 of the Income Tax Act, 1961 (in short the “Act”) by Id. Commissioner of Income-tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi [in short Ld. “CIT(A)”] dated 13.02.2024 arising out of the assessment order passed u/s 147 read with section 144B of the Act by Assessing Officer (in short “AO”), National Faceless Assessment Centre, Delhi dated 23.03.2022.

2. The only issue for our consideration is whether the Ld. CIT(A) erred in confirming the addition made by the AO on account of unexplained cash credit at Rs.10 lacs received from M/s. Janardhan Vinimay Pvt. Ltd. (in short “JVPL”) alleging it to be a paper company.

At the outset, Ld. Counsel for the assessee with the support of an affidavit dated 13.05.2024 enclosing therewith a copy of bank statement stated that it had not received the sum of Rs. 10 lakh from M/s. JVPL but similar amount was received from Maa Vaishnavi Vanijya Pvt. Ltd. and the same was refunded during the year itself through RTGS. He further submitted that the order of Ld. CIT(A) is ex parte because assessee failed to appear and even before the AO assessee could not make proper compliance and, therefore, prayed that the matter may be restored to the file of AO for examining the correctness of the claim of the assessee that it had not received any sum from alleged paper company M/s. JVPL.

3. Ld. DR, on the other hand, while arguing in the matter vehemently supported the orders of the lower authorities.

4. We have heard both the representatives and carefully perused the material placed before us. We note that the assessee is a Pvt. Ltd. company and filed its return of income on 30.11.2014 declaring total income of Rs.31,22,710/- and the said return was processed u/s. 143(1) on 03.02.2015. Thereafter, the case was reopened by issue of notice u/s. 148 dated 30.03.2021. The assessee company is engaged in the business of stock broking and related activities. Ld. AO based on the information came to a conclusion that assessee has received unsecured loan from M/s. JVPL. Ld. AO alleged it to be a paper company managed and controlled by entry operator. Though assessee rebutted the allegation by pleading various judicial pronouncements but failed to get any relief. Ld. AO added the sum of Rs. 10 lakh u/s. 68 of the Act. Further, before the Ld. CIT(A) on account of non-appearance no relief was given to assessee.

5. We, however, taking into consideration the affidavit filed by Mr. Navnil Patra son of Late Joydeb Patra, director of the assessee company which is non-banking financial company stating on oath that no such sum was received from M/s. JVPL. Since the very basis of the addition is that the assessee had received unsecured loan from M/s. JVPL but the same has been rebutted by the assessee through an affidavit, the only course left before us is to restore the matter to the file of the AO who shall verify the correctness of the affidavit and also examine the bank statement and in case the Ld. AO satisfied that assessee had not received any sum during the year from M/s. JVPL then no addition shall be called for. With this direction, we remit the matter to the file of Ld. AO for necessary verification and then decide in accordance with law after providing assessee reasonable opportunity of being heard.

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

Order is pronounced in the open court on 28<sup>th</sup> May, 2024.

Sd/-

[Pradip Kumar Choubey]  
Judicial Member

Sd/-

[Dr. Manish Borad]  
Accountant Member

Dated: 28<sup>th</sup> May, 2024

*J.D. Sr. PS.*

*Copy of the order forwarded to:*

1. **Appellant** –
2. **Respondent** –
3. CIT(A), NFAC, Delhi
4. CIT
5. Departmental Representative
6. Guard File.

*True copy*

By order

Assistant Registrar  
ITAT, Kolkata Benches