

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

श्री एबी टी. वर्की, न्यायिक सदस्य एवं श्री अमिताभ शुक्ला, लेखा सदस्य के समक्ष
BEFORE SHRI ABY T. VARKEY, JM AND
SHRI AMITABH SHUKLA, ACCOUNTANT MEMBER

आयकर अपील सं./ITA No.657/Chny/2024
निर्धारण वर्ष /Assessment Year: 2013-14

M/s.F I Auto Components Pvt.
Ltd, No.151 & 151, 12th Main
Road, SIDCO Industrial Estate,
Thirumudivakkam,
Chennai- 600044
[PAN-AABCF2142E)

The Income Tax Officer,
Vs. Non Corp Ward11(3),
Chennai.

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से/ Assessee by
प्रत्यर्थी की ओर से /Revenue by

: Shri T.V.Muthu Abirami, Advocate
: Shri P.Sajit Kumar, JCIT

सुनवाई की तारीख/Date of Hearing

: 21.05.2024

घोषणा की तारीख /Date of Pronouncement

: 31.05.2024

आदेश / O R D E R

PER AMITABH SHUKLA, A.M :

This appeal arises from order vide DIN / order No.
ITBA/NFAC/S/250/2023-24/1060194818(1) dated 29.01.2024 of the
CIT(Appeal)/NFAC whereby the appeal of the assessee was dismissed on
account of inadequate prosecution of appeal by the assessee.

2.0 At the outset the Ld.AR argued that there existed genuine and sufficient grounds with the assessee which contributed to not making proper representation and submission before the Ld.CIT(A). It was also submitted that the matter be restored back to the file of the CIT(A) for fresh adjudication and that the assessee assures that full compliance shall be made during appellate proceedings.

3.0 The Ld. DR contested the submissions of the assessee arguing that the assessee did not have a justifiable reason for non-compliance and accordingly relied upon the order of the Ld.CIT(A).

4.0 Brief facts of the case are that the appellant is a company engaged in the business of manufacturing of auto components at SIDCO Industrial Estate, Chromepet, Chennai. The appellant is assessed to tax by the Income Tax Officer, Corporate Ward 2(2). For the impugned assessment year, the appellant filed its return of income on 22.04.2014 and admitted a total income of Rs.48,52,232/-. The case was selected for scrutiny and the assessment was completed u/s. 143(3) on 22.03.2016 by computing the total income at Rs.55,31,970/- and raising a demand of Rs. 2,42,220/. Subsequently the case was reopened by way of a notice issued u/s. 148 and the reassessment was completed u/s. 144 r.w.s. 147. The assessment order was passed on 18.12.2019 by computing the total income at Rs.3,02,66,397/- and raising a demand of Rs.1,11,17,196/-. The appellant was not aware that the assessment order was passed

against the appellant. The appellant's bank account was attached by the Assessing Officer and when the appellant reached out to the Assessing Officer in respect of the bank account that was attached, the appellant came to know that assessment order was passed against him. The assessee filed appeal before the Ld.CIT(A).

5.0 The Ld.CIT(A) dismissed the appeal vide order mentioned Supra holding that the assessee did not avail the opportunities given by him and proceeded to dismiss the appeal by relying upon judicial pronouncement on the matter.

6.0 We have heard the rival submissions in the light of facts of the case and material available on records. On perusal of the order it is seen that the Ld.CIT(A) has dismissed assessee's appeal for non-compliance to his notices and proceeded to confirm the additions made by the AO, the latter order also done ex-parte. The appellant has unequivocally assured that it shall comply with all the notices issued by the Revenue. No appellant gains by non-prosecution of its case and reasonable opportunity of being heard is a natural right of every litigant. We are of the view that ends of justice would be met if the assessee is given one last opportunity to present its case and file supporting evidences before the Ld.AO. The matter is restored to file of the AO because he is the first authority who has the right to adjudicate on return of income and in this case the said right could not be exercised because

of non-compliance by the tax payer. Accordingly, placing reliance upon the decision in the case of TIN box 249 ITR 216 the matter is restored to the file of the AO for assessment de novo. The assessee is directed to make complete and correct compliance towards the notices issued by the AO.

7.0 In the result the appeal is partly allowed.

Order pronounced on 31st May, 2024.

Sd/-

**(ABY T. VARKEY)
Judicial Member**

चेन्नई/Chennai, दिनांक/Dated: 31st May, 2024.

KB/-

Sd/-

**(AMITABH SHUKLA)
Accountant Member**

आदेश की प्रतिलिपि अग्रेषित/Copy to:

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