

IN THE INCOME TAX APPELLATE TRIBUNAL "C" BENCH KOLKATA

**BEFORE SHRI SANJAY GARG, JUDICIAL MEMBER
AND SHRI RAKESH MISHRA, ACCOUNTANT MEMBER**

**ITA No.1150/KOL/2023
Assessment Year: 2017-18**

C.P. Ispat (Unit-2) Pvt. Ltd. C/o Subash Agarwal & Associates, Advocates, Siddha Gibson, 1, Gibson Lane, suite 213, 2 nd floor, Kolkata-700069. (PAN: AACCD2181L)	Vs.	Income Tax Officer, Circle-3(1), Kolkata.
(Appellant)		(Respondent)

Present for:

Appellant by : N o n e

Respondent by : Shri Jitendra Kantilal Surti, JCIT, Sr. DR

Date of Hearing : 03.06.2024

Date of Pronouncement : 11.06.2024

ORDER

PER RAKESH MISHRA, ACCOUNTANT MEMBER:

This appeal filed by the assessee is against the order of Ld. Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi (hereinafter referred to as "the Ld. CIT(A)" passed u/s. 250 of the Income Tax Act, 1961 (hereinafter referred to as "the Act") for AY 2017-18 vide Appeal No. ITBA/NFAC/S/250/2023-24/1056683465(1) dated 30.09.2023.

2. Neither any one appeared on behalf of the assessee nor the assessee has filed any adjournment application at the time of hearing before us. Since the appeal has been fixed on various dates and notice for hearing was also sent through e-mail and RPAD and no one

appeared for and on behalf of the assessee, hence, we dispose of the appeal after hearing the Ld. Sr. DR and the material available on record.

3. Grounds of appeal raised by the assessee are reproduced as under:

“1. For that on the facts and in the circumstances of the case, the Ld. CIT(A) was not justified in passing an ex parte order.

2. For that on the facts and in the circumstances of the case, the Ld. CIT(A) grossly erred in estimating the net profit at Rs.40,07,370/- on the alleged suppressed sales conjectured by the AO.

3. For that on the facts and in the circumstances of the case, the Ld. CIT(A) grossly erred in confirming the addition made by the AO to the tune of Rs.1,58,66,200/- as unexplained cash credit u/s. 68.

4. The appellant craves leave to add further grounds of appeal or alter the grounds at the time of hearing.”

4. Ground Nos.1 and 4 are general in nature and do not require any adjudication.

5. Ground no. 2 relates to confirming the addition on account of estimating the net profit at Rs.50,07,370/- on the suppressed sales by the AO and ground no. 3 relates to addition u/s. 68 of the Act.

5.1. The brief facts of the case are that assessee company filed its return of income for the AY 2017-18 on 12.10.2017 declaring total income of Rs. (-)31,74,46,396/-. The case was selected for complete scrutiny under CASS. Notices u/s. 143(2) and 142(1) were served upon the assessee. It is observed from the assessment order that the assessee company did not comply with the notices but furnished a reply that the management was changed vide order passed by the NCLT, Kolkata and the new management of C.P. Ispat Pvt. Limited led consortium was the successful resolution applicant. Since no reply was received from the new management in the case of the erstwhile C.P. Ispat Pvt. Ltd., therefore, the AO made the additions which were also

confirmed by the Ld. CIT(A) also due to non-representation. Since the management was changed proper communication was not made and the impact of the order of the NCLT also needs to be examined, hence, in order to be fair to both the assessee and the department, the order of the AO, which has been confirmed by the Ld. CIT(A), is hereby set aside with the direction that a reasonable opportunity of being heard would be provided to the assessee and, thereafter, the assessment shall be framed de novo. The assessee shall submit required evidence before the AO in support of its claim.

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

Order pronounced in the open court on 11th June, 2024.

Sd/-
(Sanjay Garg)
Judicial Member

Sd/-
(Rakesh Mishra)
Accountant Member

Dated: 11th June, 2024

JD, Sr. P.S.

Copy to:

1. The Appellant:
 2. The Respondent.
 3. CIT(A), NFAC, Delhi
 4. The CIT,
 5. DR, ITAT, Kolkata Bench, Kolkata
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By Order

Assistant Registrar
ITAT, Kolkata Benches, Kolkata