

**IN THE INCOME TAX APPELLATE TRIBUNAL  
"A" BENCH : BANGALORE**

**BEFORE SHRI CHANDRA POOJARI, ACCOUNTANT MEMBER  
AND SHRI PRAKASH CHAND YADAV, JUDICIAL MEMBER**

ITA Nos.757/Bang/2024
Assessment Years : 2015-16

Jana Small Finance Bank Limited, 10/1, 11/2, 12/2B, The Fairway Business Park Off Domlur, Koramangala Inner Ring Road, Challaghatta, Bangalore-560 071.  <b>PAN – AABCJ 7024 M</b>	Vs.	The Dy. Commissioner of Income Tax, Ward - 4(3)(1), Bengaluru.
APPELLANT		RESPONDENT

Assessee by	:	Shri Ajay Rotti, C.A
Revenue by	:	Shri M Harischandra Naik, CIT (DR)

Date of hearing	:	19.06.2024
Date of Pronouncement	:	20.06.2024

**ORDER**

**PER SHRI PRAKASH CHAND YADAV, JUDICIAL MEMBER :**

The present appeal of the assessee is arising from the order passed by the NFAC, Delhi dated 18/03/2024 in DIN No. ITBA/NFAC/S/250/2023-24/1062838030(1) for the assessment year 2015-16.

2. The assessee has raised 7 grounds of appeal, which are further divided into sub grounds. However, at the time of hearing of the appeal,

the Id. Counsel for the assessee has only pressed ground number 1.2 and prayed for an opportunity of being heard before the AO. The Id. Counsel for the assessee pointed out that this is the second round of litigation and in first round, Hon'ble ITAT vide its order dated 26/02/2020 has restored the matter to the AO for framing denovo assessment. The observations of the ITAT were as under:-

3. It is the submission of the Id. Counsel for the assessee that in pursuance to the order of Hon'ble ITAT, the Id. AO in this round of proceedings has issued first notice of hearing on **23/03/2022** and the proceedings were going to be time barred on **31/03/2022**. The Id. Counsel submitted that in response to the notice of the AO dated 23/03/2022, the assessee has duly filed requisite details. However, the AO asked for certain more details on 30/03/2022 and this notice was received by the company on 31/03/2022 i.e. the date on which the assessment order was passed by the AO. The Id. Counsel for the assessee has drawn the attention of the Bench towards pages No.1629 to 1633 of paper book No.3 and other pages of paper book 3 in support of his arguments. It is pertinent to mention here that the assessee has duly raised this issue of notice on 31.03.2022 before the Ld CIT(A) also.

4 Aggrieved with the order of the AO assessee filed appeal before the Ld CIT(A) and duly attended the proceedings from time to time as evident from the case records. It is relevant to observe that the Ld CIT(A) has also called for the details from assessee from time to time and the same were filed by the assessee, as contended.

5. Ld Counsel for the assessee submitted that Ld CIT(A) has called for some more details related to claim of expenses. It is the averment of the counsel that since those details were a decade old assessee could not

be able to compile in short duration and the appeal of the assessee has been heard by the CIT-(A).

6. In the back drop of above facts the assessee filed present appeal and craved that principle of natural justice has not been adhered to by the lower authorities and hence one more opportunity to the assessee may kindly be granted in the interest of justice. In nutshell, it is the grievances of the assessee that proper opportunity of being heard has not been provided by both the lower authorities.

7. The Id. DR relied upon the order of the Id. CIT(A) and AO and contended that due opportunities were given to the assessee. However, the same were remained un-complied with.

8. After considering the rival submissions, we are of the view that it is appropriate to give one more opportunity to the assessee particularly in view of the facts that notices by the AO was issued at the fag end of the proceedings i.e. on 23.03.2022 and the assessment got completed on 31.03.2022. Similarly, the Id. CIT(A) has also called for additional details at the fag end of the proceedings. It is pertinent to note here that the Id. CIT(A) has restored some issues to the file of AO for further verification. Therefore, in the interest of justice, we restore the matter to the file of the AO for fresh adjudication in accordance with law. It is also relevant to mention here that the counsel for the assessee has given undertaking before the Bench and undertakes that he will file all the required details necessary for the assessment within 30 days before the AO, once he gives notice of hearing to the assessee. Hence, the appeal of the assessee is allowed for statistical purposes.

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

Order pronounced in court on 20<sup>th</sup> day of June, 2024

Sd/-

**(CHANDRA POOJARI)**  
Accountant Member

Sd/-

**(SHRI PRAKASH CHAND YADAV)**  
Judicial Member

Bangalore,  
Dated, 20<sup>th</sup> June, 2024

/ vms /

Copy to:

1. The Applicant
2. The Respondent
3. The CIT
4. The CIT(A)
5. The DR, ITAT, Bangalore.
6. Guard file

By order

Asst. Registrar, ITAT, Bangalore