

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

माननीय श्री मनु कुमार गिरि, न्यायिक सदस्य एवं
श्री एस.आर. रघुनाथा, लेखा सदस्य के समक्ष

**BEFORE HON'BLE SHRI MANU KUMAR GIRI, JM AND
SHRI S.R. RAGHUNATHA, ACCOUNTANT MEMBER**

आयकर अपील सं./ITA No.: **930/CHNY/2024**

निर्धारण वर्ष/Assessment Year: 2014-15

Ponny Retail's Private Limited,
64/67, ARYA Gowda Road,
West Mambalam,
Chennai 600 033.

The Assistant Commissioner of
Vs. Income Tax,
Circle I, LTU,
Chennai

PAN: AAFCP 5163M

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से/Appellant by : Shri. R. Venkata Raman, C.A.,
प्रत्यर्थी की ओर से/Respondent by : Shri. D. Hema Bhupal, IRS, JCIT.

सुनवाई की तारीख/Date of Hearing : 24.06.2024

घोषणा की तारीख/Date of Pronouncement : 28.06.2024

आदेश /ORDER

PER MANU KUMAR GIRI (Judicial Member)

This appeal by the assessee is arising out of the order of the Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi in order No.ITBA/NFAC/S/250/2023-24/1060531004(1) dated 06.02.2024 for assessment year 2014-2015. The assessment was framed by the ACIT, Circle 1, LTU,

Chennai for the assessment year 2014-15 u/s.147 r.w.s 144 of the Income Tax Act, 1961 (hereinafter the 'Act'), vide order dated 30.03.2022.

2. Brief facts of the case are that appellant is a company had failed to file return of income for the year under consideration. The Assessing Officer was in possession of information that assessee received a sum of Rs.3,70,24,475/- on sale of immovable property. The case was reopened u/s 147 of the Act and issued notice u/s 148 of the Act. The assessee failed to provide the details called for during the assessment proceedings and AO completed the assessment u/s 144 r.w.s 147 and made addition u/s 68 of the Act of Rs.3,70,24,475/- and raised a demand of Rs.6,87,13,820/-. Aggrieved, assessee preferred an appeal before the Id. CIT(A). The Id. Counsel for the assessee before the Id. CIT(A) had filed additional evidence, however Id. CIT(A) has not considered the same since assessee could not prove that it was prevented by sufficient cause mentioned in Sub-Rule (1) to Rule 46A of the Income Tax Rules, 1962 and he confirmed the action of the Id. Assessing Officer. Aggrieved, by the order of the Id. CIT(A), assessee is in appeal before the Tribunal.

3. We have heard rival contentions and gone through facts and circumstances of the case. Admittedly, assessee has filed written submission before the Id.CIT(A) and the Id.CIT(A) has not considered the same. We find that Ld.CIT(A) has failed to follow the

principles of natural justice in true spirit. We also find that the assessment order dated 30.03.2022 was passed ex-parte just after end of Covid-19 pandemic hence, keeping in mind the principle of natural justice, we set aside this appeal to the file of Id.AO to do de novo assessment in accordance with law subject to cost of Rs.2000/- which shall be deposited by the assessee within 30 days from the date of receipt of this order to 'Tamil Nadu State Legal Services Authority' at Hon'ble High Court of Madras. The proof of the same will be furnished by the Assessee before Ld.AO, whose shall proceed for de novo assessment. Accordingly, the impugned order is set aside and the appeal is restored back to the file of Ld.AO for de novo assessment.

4. In the result, the appeal of the assessee is allowed for statistical purpose.

Order pronounced in the open court on 28th day of June, 2024 at Chennai.

Sd/-

एस.आर. रघुनाथा
(S.R. RAGHUNATHA)

लेखा सदस्य/ ACCOUNTANT MEMBER

Sd/-

(मनु कुमार गिरि)
(MANU KUMAR GIRI)

न्यायिक सदस्य / JUDICIAL MEMBER

चेन्नई/Chennai,

दिनांक/Dated, the 28th June, 2024

KV

आदेश की प्रतिलिपि अग्रेषित/Copy to:

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

