

**IN THE INCOME TAX APPELLATE TRIBUNAL,
MUMBAI BENCH "A", MUMBAI**

**BEFORE SHRI NARENDER KUMAR CHOUDHRY, JUDICIAL MEMBER
AND
SHRI OMKARESHWAR CHIDARA, ACCOUNTANT MEMBER**

**ITA No.4442/M/2023
Assessment Year: 2020-21**

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| M/s. ANJ Turnkey Projects Private Limited, 112D Government Industrial Estate, Hindustan Naka, Kandivali West, Mumbai – 400 067 PAN: AAHCA0115C | Vs. | National Faceless Assessment Unit, DCIT-Circle 4(1)(1), Aayakar Bhavan, Mumbai - 400021 |
| (Appellant) | | (Respondent) |

Present for:

Assessee by : Shri Margav Shukla, C.A
Revenue by : Shri Prashant Barate, Sr. D.R.

Date of Hearing : 20 . 06 . 2024

Date of Pronouncement : 28 . 06 . 2024

O R D E R

Per : Narender Kumar Choudhry, Judicial Member:

This appeal has been preferred by the assessee against the order dated 09.10.2023, impugned herein, passed by the National Faceless Appeal Center (NFAC)/ Ld. Commissioner of Income Tax (Appeals) (in short Ld. Commissioner) under section 250 of the Income Tax Act, 1961 (in short 'the Act') for the A.Y. 2020-21.

2. In this case, the Assessing Officer (AO) vide order dated 20.09.20222 under section 143(3) read with section 144B of the Act has made the addition of Rs.29,02,044/- under the head "Business Income" as unexplained. The assessee, being aggrieved, preferred first appeal before the Ld. Commissioner who though afforded four opportunities to the assessee, however, the assessee neither made any compliance nor filed any adjournment application. Therefore, in the constrained circumstances, the Ld. Commissioner decided the appeal of the assessee by passing the impugned order as an ex-parte. As the assessee failed to file confirmation letters or reconciliation statement etc. in order to show the reason for treating the amount of Rs.29,02,044/- as bad debts written off, therefore the assessee does not deserve any leniency. However, considering the peculiar facts and circumstances in totality and the fact that relevant confirmation qua written off of the debts is essential for proper adjudication of the issue under consideration, therefore, for the just decision of the case and for substantial justice, we are inclined to afford one more opportunity to the assessee to substantiate/prove that the liability still exists as on the date in the books of accounts of the creditors and the assessee has paid the amount in the subsequent years. The assessee should also file the reconciliation statement along with documentary evidences. Hence, the case is remanded to the file of the Ld. Commissioner accordingly.

3. In the result, the appeal filed by the assessee stands allowed for statistical purposes.

Order pronounced in the open court on 28.06.2024.

**Sd/-
(OMKARESHWAR CHIDARA)
ACCOUNTANT MEMBER**

**Sd/-
(NARENDER KUMAR CHOUDHRY)
JUDICIAL MEMBER**

* Kishore, Sr. P.S.

Copy to: The Appellant
The Respondent
The CIT, Concerned, Mumbai
The DR Concerned Bench

//True Copy//

By Order

Dy/Asstt. Registrar, ITAT, Mumbai.