

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH 'SMC' : NEW DELHI**

BEFORE SHRI SHAMIM YAHYA, ACCOUNTANT MEMBER

**ITA No.2042/DEL/2024
(Assessment Year: 2016-17)**

A S T Engineers Pvt. Ltd.,
C-208, A/6, Esteem Complex,
Savitri Sheikh Sarai Phase I,
New Delhi – 110 048.

vs.

ITO, Ward 1(1),
New Delhi.

(PAN : AABCA4051F)

(APPELLANT)

(RESPONDENT)

ASSESSEE BY : Shri Kalyan Chand, Advocate
REVENUE BY : Shri Om Prakash, Sr. DR

Date of Hearing : 25.07.2024
Date of Order : 25.07.2024

ORDER

This appeal by the assessee is directed against the order of the Id. CIT (Appeals)/National Faceless Appeal Centre (NFAC) dated 29.02.2024 for the assessment year 2016-17.

2. Grounds of appeal taken by the assessee read as under :-

“1. Ld. Addl/JCIT has erred in totally ignoring the submissions made by the assessee from the time to time both manually and electronically and thus violated the principles of natural justice. He has wrongly stated that no reply has ever been filled by the assessee during appellate proceedings and as such order passed by him is perverse.

2. Ld. Addl/JCIT has erred in confirming the disallowance of finance cost of Rs.14,33,264/- without properly considering the facts of the case.”

3. In this case, Assessing Officer made addition on account of disallowance of interest paid amounting to Rs.14,33,264/-.

4. Upon assessee's appeal, ld. CIT (A) noted that assessee has not made any submission. He observed that assessee is not interest in prosecuting the appeal. He referred to AO's order and confirmed the same.

5. Against this order, assessee is in appeal before the ITAT. I have heard both the parties and perused the records.

6. Ld. Counsel for the assessee prayed that assessee has made various submissions before the AO which have not been considered. He further prayed that proper opportunity was not also provided at the level of ld. CIT (A). Hence, he prayed that an opportunity may be granted to the assessee to canvass the case properly.

7. Ld. DR for the Revenue did not oppose to this proposition.

8. Accordingly, in the interest of justice, I remit the issue to the file of AO. AO is directed to consider the issue afresh and pass an order afresh after giving the assessee proper opportunity of being heard.

9. In the result, the appeal of the assessee stands allowed for statistical purposes.

Order pronounced in the open court on this 25TH day of July, 2024.

**SD/-
(SHAMIM YAHYA)
ACCOUNTANT MEMBER**

**Dated the 25TH day of July, 2024
TS**

Copy forwarded to:

- 1.Appellant
- 2.Respondent
- 3.CIT
- 4.CIT (A)
- 5.CIT(ITAT), New Delhi.

**AR, ITAT
NEW DELHI.**