



**IN THE INCOME TAX APPELLATE TRIBUNAL, 'SMC' BENCH PUNE**



**BEFORE HON'BLE SHRI G. D. PADMAHSHALI, ACCOUNTANT MEMBER**

**AND**

**SHRI VINAY BHAMORE, JUDICIAL MEMBER**

**ITA No. 1042/PUN/2024**

**Assessment Year : 2017-18**

Gulshan Forex Private Limited  
(Struck-off Company)  
Shop No. 210, Sterling Society,  
Vaswani Nagar, Koregaon Park Pune-411001.  
PAN: AACCG7455L.

*..... Appellant*

**V/s**

The Income Tax Officer,  
Ward-1(1), Pune.

*..... Respondent*

**Appearances**

Assessee by : None for the Assessee

Revenue by : Mr Umashankar Prasad ['Ld. DR']

Date of conclusive Hearing : 24/07/2024

Date of Pronouncement : 24/07/2024

**ORDER**

**PER G. D. PADMAHSHALI, AM;**

The present appeal is filed against the DIN & Order No. ITBA/NFAS/S/250/2023-24/1063198156(1) dt. 22/03/2024 passed u/s 250 of the Income-tax Act, 1961 ['the Act' hereinafter] by the Addl/Jt. Commissioner of Income Tax Appeals-1, Chandigarh ['CIT(A)' hereinafter] which in turn arisen out of order of assessment passed u/s 144 of the Act by the Income Tax Officer, Ward-1(4), Pune ['AO' hereinafter] anent to assessment year 2017-18 ['AY' hereinafter];

2. The case was called twice, none appeared at the bequest of the appellant, in absence of any application seeking adjournment and none prosecution, after the primary briefing



from the Ld. DR we deem it fit to proceed & adjudicate the issue *ex-parte* u/r 24 of ITAT-Rules, 1963, ergo proceeded accordingly.

3. We have heard the Ld. DR on the limited issue of admissibility & maintainability of appeal and subject to rule 18 of ITAT-Rules 1963 perused material placed on record.

4. At the outset we note that, the appeal is filed by Mr Shevo Punjabi as claiming to be the managing director of appellant company which was struck down on 19/11/2018. Since the assessee company in whose hands the assessment was framed is no-more in existence in the eyes of law owing to its striking-off by the Registrar of Companies [‘ROC/MCA’ hereinafter], neither the signatory Mr Shevo Punjabi has nor the assessee company has any *locus-standi* to represent its case in appeal. The affidavit executed on 11/05/2024 in the capacity of managing director did also confirm the fact that the assessee company ceased to exist w.e.f. 19/11/2018, therefore both the signatory & the company lacked right to file present appeal, sue or litigate or to prosecute the appeal filed. We therefore find force in the argument of Ld. DR that the present appeal is neither admissible, nor maintainable thus deserves to be dismissed *in-limine*. Ordered accordingly.

**5. The appeal in result stands DISMISSED.**

In terms of rule 34 of ITAT Rules, the order pronounced in the open court on this Wednesday, 24th July, 2024.

**-S/d-**

**VINAY BHAMORE**  
**JUDICIAL MEMBER**

पुणे / PUNE ; दिनांक / Dated : 24th July, 2024.

आदेश की प्रतिलिपि अग्रेषित / Copy of the Order forwarded to :

1. अपीलार्थी / The Appellant.

2. प्रत्यर्थी / The Respondent.

3. The Pr. CIT Concerned.

4. The CIT(A)/NFAC Concerned.

5. DR, ITAT, ‘SMC’ Bench, Pune

6. गार्डफ़ाइल / Guard File.

आदेशानुसार / By Order

वरिष्ठ निजी सचिव / Sr. Private Secretary

आयकर अपील न्यायाधिकरण, पुणे / ITAT, Pune.

**-S/d-**

**G. D. PADMAHSHALI**  
**ACCOUNTANT MEMBER**