

IN THE INCOME TAX APPELLATE TRIBUNAL  
MUMBAI BENCH "C", MUMBAI

**BEFORE SHRI B.R. BASKARAN, ACCOUNTANT MEMBER AND  
SHRI ANIKESH BANERJEE, JUDICIAL MEMBER**

**I.T.A No.3085/Mum/2024  
(Assessment Year: 2014-15)**

<b>Power Cube Electro Controls Pvt Ltd,</b> Plot No.E-32, MIDC, Kupwad, Sangli, Maharashtra Pin CODE 416 436 <b>PAN : AACCM6564G</b>	<b>vs</b>	<b>Dy.Commissioner of Income-tadx Wared-7(3)(1), Mumbai Aayakar Bhavan, Mumbai</b>
<b>APPELLANT</b>		<b>RESPONDENT</b>

Assessee by : None  
Respondent by : Shri Yogendra T Wakare(Sr. DR)  
  
Date of hearing : 08/08/2024  
Date of pronouncement : 12/ 08/2024

**ORDER**

**PER ANIKESH BANERJEE, J.M:**

Instant appeal of the assessee was filed against the order of the Learned Commissioner of Income-tax (Appeals) / Addl CIT (A)-2, Guwahati, [for brevity, 'Ld.CIT(A)'] passed under section 250 of the Income-tax Act, 1961 (in short, 'the Act'), for Assessment Year 2014-15, date of order 05.04.2024. The impugned order was emanated from the order of the Learned Deputy

Commissioner of Income-tax-7(3)(2), Mumbai (in short, 'the Ld.AO') passed under section 144 of the Act.

2. The assessee has taken the following grounds of appeal:-

*"1] The learned CIT(A) erred in dismissing the appeal of the assessee ex-parte on the ground that there was non compliance on the part of the assessee to the various notices issued by him and thereby erred in confirming the addition of Rs.2,99,41,825/- made by the learned A.O.*

*2] The assessee submits that there was a reasonable cause on its part for the non compliance to the notices issued by the learned CIT(A) and accordingly, requests for one more opportunity to present its case before the learned CIT(A).*

*3] The assessee submits that it had not received the notices issued by the learned CIT(A) and therefore, there was non compliance on its part to the notices issued by the learned CIT(A) and hence, requests for one more opportunity to present its case before the learned CIT(A).*

*4] The assessee submits that the loss disallowed by the learned A.O. of Rs.2,99,41,825/- is not justified and accordingly, the learned CIT(A) ought to have deleted the said addition.*

*5] The learned CIT(A) erred in holding that the learned A.O. was justified in passing the asst. order u/s 144 without appreciating that there was a reasonable cause on the part of the assessee in not attending before the learned A.O. and accordingly, the addition made of Rs.2,99,41,825/- may kindly be deleted.*

*6] The assessee submits that the loss of Rs.2,99,41,825/- claimed by it in the return of income was justified and hence, there was no reason to make any disallowance in respect of the loss claimed by the assessee.*

*7] The assessee requests for admission of additional evidence in support of its case.*

*8] The appellant craves leave to add, alter, amend or delete any of the above grounds of appeal."*

3. When the appeal was called for hearing, none was present on behalf of the assessee. The adjournment petition was filed. But the reasons for adjournment

was not convincing before the bench. So, considering the merit of the case, we proceed to dispose of the appeal on ex parte qua for assessee, after hearing the Ld.DR.

4. We heard the Ld.DR and considered the documents available on the record and perused the orders of the revenue authorities. The assessment was completed ex parte under section 144 of the Act. In the appeal proceedings, the Ld.CIT(A) had allowed several opportunities for hearing the matter, but none of the notices was complied with. The assessee has not explained the proper reason for noncompliance of the notices before the Ld.CIT(A). Accordingly, the addition amount of Rs.2,99,41,825/- is confirmed. We find that the assessee has not got the opportunity to submit its evidence before any of the authorities. Accordingly, one more opportunity should be allowed, for the sake of justice. Since the assessee is not able to provide satisfactory explanation about noncompliance of notices issued by the Id. CIT(A), we are of the view that the assessee should be imposed a cost in order to make him understand the importance of income tax proceedings. Accordingly, we impose the cost amount to Rs.5,000/- (Rupees five thousand only) upon the assessee which shall be paid to the credit of Income Tax Department within two months from the date of receipt of this order.

Subject to the payment of above cost which shall be verified by the Id. CIT(A). All the issues are restored to the file of the Id. CIT(A) for adjudicating the case on merits. We are not expressing any views on the merits of the case so as to limit the appellate procedure before the Ld. CIT(A). Needless to say, the assessee should get a reasonable opportunity of hearing. The assessee should be diligent in appeal proceeding for expeditious disposal of appeal.

5. In the result, the appeal of the assessee bearing **ITA No 3085/Mum/2024** is allowed for statistical purposes.

Order pronounced in the open court on 12<sup>th</sup> day of August, 2024.

Sd/-

(B.R. BASKARAN )  
ACCOUNTANT MEMBER

Mumbai, दिनांक/Dated: 12/08/2024  
Pavanan

sd/-

(ANIKESH BANERJEE)  
JUDICIAL MEMBER

**Copy of the Order forwarded to:**

1. अपीलार्थी/The Appellant ,
2. प्रतिवादी/ The Respondent.
3. आयकरआयुक्त CIT
4. विभागीयप्रतिनिधि, आय.अपी.अधि., मुंबई/DR, ITAT,  
Mumbai
5. गार्डफाइल/Guard file.

//True Copy//

BY ORDER,

(Asstt. Registrar), ITAT, Mumbai