

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

BEFORE SONJOY SARMA, JM
AND
SHRI RAKESH MISHRA, AM

ITA No. 661/Kol/2024

(Assessment Year: 2017-18)

Karishma Tie-up Private Limited
109, Park street Kolkata-700016

Vs.

Addl/JCIT (A)-10, Mumbai
Room No.321, Aaykar Bhavan
M.K. Road, Mumbai-400 020

(Appellant)

(Respondent)

PAN No. AADCK3786D

Assessee by : Shri Anand Muskara, AR
Revenue by : Shri Amitava Sen, Addl. CIT DR

Date of hearing: 08.08.2024

Date of pronouncement : 13.08.2024

ORDER

PER SONJOY SARMA, JM:

01. The caption appeal filed by the assessee is directed against the order passed by the Addl./JCIT(A)-10, Mumbai dated 27th February, 2024, arising out of the Assessment order dated 24th December, 2019, passed under Section 143(3) of the Income-tax Act, 1961 (the Act).
02. The brief facts of the case are that assessee company filed its return of income for the assessment year in question by declaring total income at ₹47,031/-. The case of the assessee was selected for scrutiny and notices were served under Section 143(2) and 142(1) of the Income-tax Act, 1961 (the Act). In response to the notices, the assessee submitted reply along with copy of audit report,

ITR, computation of income tax, etc. The learned Assessing Officer during the assessment proceedings seen from the bank statement of the assessee that the assessee had deposited ₹4,76,500/- in cash in its bank account no.01052560004438 with HDFC bank, UN Brahmchari St. Branch, Kolkata and a show cause notice was also issued to the assessee to explain the source of the cash deposit made by him. The learned Assessing Officer on perusal of the balance sheet of the assessee in its ITR for the A.Y. 2016-17, he found that cash in hand as on 31st March, 2016, was only ₹1,40,069/-. It was also noticed that profit and loss account of the assessee had received interest income of ₹1,32,801/- during the assessment year under consideration. Therefore, the learned Assessing Officer found that there was no source of receipt of cash deposit made by assessee to the tune of ₹4,76,500/-. Therefore, he found that assessee failed to explain the nature and source of the alleged cash deposit made during the year under consideration. Accordingly, the learned Assessing Officer added sum ₹4,76,500/- in the hands of the assessee by treating it as income of the assessee from undisclosed source under Section 69A of the Act.

03. Aggrieved by the above order, assessee went in appeal before the learned CIT (A), where the appeal of the assessee was dismissed by learned CIT (A) on the issue of delay in filing of the appeal on the part of the assessee without looking into the merits of the case.

04. Dissatisfied with the above order, assessee is in appeal before this Tribunal stating that the appeal of the assessee was not decided in accordance with the law, by simply dismissing the appeal of the assessee on the ground that the appeal of the assessee was filed belatedly. Therefore, the learned counsel for the assessee prayed before the Bench that the matter may be remand back to the file of the learned CIT (A) with a direction to re-examine the issue afresh and decide the appeal on merit of the case by condoning such delay in filing the appeal before him.
05. On the other hand, the learned Departmental Representative did not object to such prayer made by the learned Authorized Representative before this Bench. We after hearing the rival submissions of the parties and perusing the material available on record, we find that the impugned order passed by the learned CIT (A) while deciding the appeal of the assessee without considering the merits of the case by simply dismissing the appeal on the ground that the appeal was filed belatedly. It is therefore, necessary to remand back the issue to the file of the learned CIT (A) with a direction to reconsider the issue challenged by the appellant / assessee before him after considering such condonation of delay in filing the appeal by the assessee before him and decide the appeal on merits of the case, the assessee is also directed to furnish such sufficient documents in order to substantiate its claim before the learned CIT (A) and also present on such date as and when such notice of hearing will be



served. In terms of the above, the appeal of the assessee is allowed for statistical purpose.

06. In the result, the appeal of the assessee is allowed for statistical purposes.

Order pronounced in the open court on 13.08.2024.

Sd/-
(RAKESH MISHRA)
(ACCOUNTANT MEMBER)

Sd/-
(SONJOY SARMA)
(JUDICIAL MEMBER)

Kolkata, Dated:13.08.2024

Sudip Sarkar, Sr.PS

Copy of the Order forwarded to:

1. The Appellant
2. The Respondent
3. CIT
4. DR, ITAT, Kolkata
5. Guard file.

BY ORDER,

True Copy//

Sr. Private Secretary/ Asst. Registrar
Income Tax Appellate Tribunal, Kolkata