

आयकर अपीलीय अधिकरण, हैदराबाद पीठ में
**IN THE INCOME TAX APPELLATE TRIBUNAL
HYDERABAD BENCHES "B" , HYDERABAD**

**BEFORE SHRI LALIET KUMAR, JUDICIAL MEMBER AND
SHRI MADHUSUDAN SAWDIA, ACCOUNTANT MEMBER**

आ.अपी.सं / **ITA No.558/Hyd/2024**
(निर्धारण वर्ष/Assessment Year:2015-16)

Sri Padmavathi Breeding Farms Private Limited, Hyderabad. PAN:AARCS7679D	Vs.	Income Tax Officer, Ward-3(3), Hyderabad.
(Appellant)		(Respondent)
निर्धारिती द्वारा/Assessee by:	Shri P. Vinod, Advocate	
राजस्व द्वारा/Revenue by::	Shri Madan Mohan Meena,DR	
सुनवाई की तारीख/Date of hearing:	12/08/2024	
घोषणा की तारीख/Pronouncement:	13/08/2024	

आदेश/ORDER

PER LALIET KUMAR, J.M.

This appeal is filed by Sri Padmavathi Breeding Farms Private Limited, Hyderabad ("the assessee"), feeling aggrieved by the order passed by the learned Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi ("Ld. CIT(A)"), dated 18.04.2024 for the A.Y. 2015-16.

2. The grounds raised by the assessee reads as under :

“ 1. On the facts and in the circumstances of the case, the order of the Ld. CIT(A) is erroneous and unsustainable in law apart from being passed in violation of principles of natural justice. The Ld. CIT(A) failed to appreciate that none of the notices issued were served on the appellant as required under section 282 of the Act r.w. Rule 127 of the Rules, and therefore Appellant could not put forth his case.

2. The Ld. CIT(A) erred in sustaining the addition of Rs.60,00,000/- made by the A.O. as unexplained credit u/s.68 of the I.T.Act, 1961, and in not considering the addition on its own merits.

3. Any other ground that may be urged at the time of hearing.”

3. Brief facts of the case are that the assessee is a company carrying on business in layer poultry farm during the A.Y. 2015-16, filed its return of income on 30.09.2015 declaring total income at Rs.NII. The case of the assessee was selected for Scrutiny and notices u/s. 143(2) and 142(1) of the Income Tax Act, 1961 (“the Act”) were issued. After considering the submission of the assessee the Learned Assessing Officer (“Ld. AO”) completed the assessment u/s 143(3) of the Act on 28.12.2017 making an addition of Rs.60,00,000/- as unexplained cash credit u/s.68 of the Act.

5. Feeling aggrieved by the order passed by the Ld. AO, assessee filed appeal before the Ld. CIT(A). The assessee did not make any compliances to the notices issued by Ld. CIT(A). Hence, the Ld. CIT(A) dismissed the appeal of the assessee.

6. Feeling aggrieved with the order of Ld. CIT(A), the assessee is now in appeal before us, contending that the Ld. CIT(A) did not provide sufficient opportunity to the assessee in proving the sources of share application money received during the year under consideration. It is further contended that the Ld. CIT(A) has passed the order without providing proper opportunity. The Ld. AR further submitted that the assessee does not stand to gain by allowing the appeal to be disposed of without any documentary evidence being produced and it is only due to the reasons beyond the control of the assessee, the assessee could not produce the documents explaining the sources of share application money received during the year under consideration. By consolidating all the grounds, he further submitted that given an opportunity, the assessee is now ready to produce all such details and conduct

the proceedings diligently and get the matter disposed of on merits.

7. Per contra, Ld. DR placed heavy reliance on the orders of the authorities below, and submitted that sufficient opportunity has already been given by the authorities, but the assessee failed to avail the same. He opposed the grant of further opportunity to the assessee.

8. We have heard the rival contentions and also gone through the record in the light of the submissions made on either side. It could be seen from the orders of the Ld. CIT(A) that the assessee failed to produce the details with regards to the share application money received during the year under consideration, which resulted in passing the orders without consideration thereof. It is a fact that the assessee does not stand to gain by not producing such documents. Be that as it may, now the assessee is ready to produce all such documentary evidence in support of his contentions and get the matter disposed of on merits. The highest that would happen by allowing an opportunity to the

assessee is that a cause would be decided on merits. With this view of the matter, we are of the view that fresh opportunity should be given to the assessee and, accordingly, we set aside the impugned order and restore the issue to the file of the Ld. CIT(A) for passing a fresh order on merits after affording the opportunity of hearing to the assessee. Grounds of appeal are answered accordingly.

9. In the result, the appeal of the assessee is allowed for statistical purpose.

Order pronounced in the Open Court on 13th Aug., 2024.

Sd/-
(MADHUSUDAN SAWDIA)
ACCOUNTNAT MEMBER

Sd/-
(LALIET KUMAR)
JUDICIAL MEMBER

Hyderabad,
Dated 13th Aug., 2024.

** Reddy gp/sps*

Copy to:

S.No	Addresses
1	Sri Padmavathi Breeding Farms Private Limited, H. No.3-12-92/525, Rock Town Colony, GSI Post, Mansoorabad, Hyderabad-500 068
2	The ITO, Ward 3(3), Hyderabad.
3	PrI.CIT, Hyderabad.
4	DR, ITAT Hyderabad Benches
5	Guard File

By Order