

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

**BEFORE SHRI KUL BHARAT, JUDICIAL MEMBER**

**ITA No.1563/Del/2024  
[Assessment Year : 2011-12]**

CRS Infrastructure Ltd., B-201, Vikas Tower, Vikaspuri, New Delhi-110018 <b>PAN-AACCC9689A</b>	vs	ITO, Ward -6(1), Delhi.
<b>APPELLANT</b>		<b>RESPONDENT</b>
<b>Appellant by</b>	Shri Ashish Bansal, Adv.	
<b>Respondent by</b>	Shri Sanjay Kumar, Sr.DR	
<b>Date of Hearing</b>	19.08.2024	
<b>Date of Pronouncement</b>	22.08.2024	

**ORDER**

**PER KUL BHARAT, JM :**

The present appeal filed by the assessee is directed against the order passed by Ld.CIT(A), National Faceless Appeal Centre (“NFAC”), Delhi dated 14.02.2024 for the assessment year 2011-12.

2. The assessee has raised following grounds of appeal:-

1.1. *“BECAUSE the learned CIT(A) has erred in law and on facts in summarily dismissing the appeal by holding that the appellant remained non compliant despite service of several notices and is not interested in prosecuting the appeal.*

1.2. *BECAUSE various notices as issued by the learned CIT(A) could not complied on account of the fact that the appellant's previous counsel who was looking after the income tax matters as also was in possession of login id and password of the Income Tax Portal, did not inform about issue of such notices and as such, there was no mala fide on part of the appellant.*

1.3. *BECAUSE the non compliance, if any, was due to the reasons beyond control of the appellant and therefore, the same ought not to have been adversely viewed by the CIT(A).*

**WITHOUT PREJUDICE TO THE ABOVE**

2.1. *BECAUSE the learned CIT(A) has erred in law and on facts in sustaining the addition of Rs. 6,99,100.00 unexplained peak cash deposits in bank accounts.*

2.2. *BECAUSE the source of cash deposits is fully explainable with reference to books of accounts and records of the appellant company and therefore, the addition of Rs. 6,99,100.00 is wholly unwarranted and unjustified.*

2.3. *BECAUSE in any case the working of peak cash deposits itself is not correct and therefore, the addition made on this score is not liable to be sustained.*

3.1. *BECAUSE the learned CIT(A) has erred in law and on facts in sustaining the addition of Rs. 6,42,500.00 representing credits in bank accounts as unexplained deposits.*

3.2. *BECAUSE the credits in bank accounts are fully explainable with reference to books of accounts and records maintained by the appellant company in the regular course of business and hence, the credits in bank accounts can not be treated as explained deposits.*

4.1. *BECAUSE the learned CIT(A) has erred in law and on facts in sustaining the addition of Rs. 2,41,534.00 as interest income on the basis of Form-26AS of the appellant company.*

4.2. *BECAUSE the receipt of interest as reflected in Form- 26AS per se can not be treated as income of the appellant company and hence, the addition of Rs. 2,41,534.00 is wholly uncalled for and unjustified.*

5. *BECAUSE the order appealed against is contrary to the facts, law and the principles of natural justice to the extent above.”*

3. At the outset, Ld. Counsel for the assessee submitted that the impugned order has been passed *ex-parte* to the assessee u/s 144 of the Income Tax Act, 1961 (“the Act”). Ld.CIT(A) dismissed the appeal of the assessee without adjudicating the issue on merit and providing adequate opportunity to the assessee. Thus, he prayed that the assessment may be restored to the AO for fresh adjudication.

4. On the other hand, Ld. Sr. DR for the Revenue opposed these submissions and submitted that sufficient opportunities were granted to the assessee but the negligence of the Ld.AR for the assessee should not be the basis for setting aside the order of Ld.CIT(A). The assessee ought to have been vigilant and filed relevant documents before the lower authorities.

5. I have heard Ld. Authorized Representatives of the parties and perused the material available on record and gone through the orders of the authorities below. It is seen from the records that sufficient opportunities were granted to the assessee by Ld.CIT(A). However, Ld.CIT(A) dismissed the appeal without making inquiry on the issues on merit. Therefore, considering the totality of the facts and to sub-serve the principle of natural justice, it would be appropriate that the assessee is given opportunity to represent its case. Therefore, the impugned order is set aside and the assessment restored to the file of AO to decide it afresh after giving adequate opportunity to the assessee to represent its case. Grounds raised by the assessee are accordingly, allowed for statistical purposes.

6. In the result, the appeal filed by the assessee is allowed for statistical purposes.

Order pronounced in the open Court on 22<sup>nd</sup> August, 2024.

**Sd/-**

**(KUL BHARAT)  
JUDICIAL MEMBER**

*\* Amit Kumar \**

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

ASSISTANT REGISTRAR  
ITAT, NEW DELHI