

**IN THE INCOME TAX APPELLATE TRIBUNAL,  
MUMBAI BENCH "G", MUMBAI**

**BEFORE SHRI AMARJIT SINGH, ACCOUNTANT MEMBER  
AND MS. KAVITHA RAJAGOPAL, JUDICIAL MEMBER**

**ITA Nos.1087 & 1088/Mum/2024  
Assessment Year: 2010-11 & 2011-12**

Sorrento Petrochemicals Private Limited		ACIT, Mumbai
B-4, B-5, Viral Shopping Centre, Mantriwadi, Sainath Rd, Malad West, Maharashtra-400064.	Vs.	
PAN: AAHCS 1255 K		
(Appellant)		(Respondent)

**Present for:**

Assessee by : Shri Bhushan Vayeda, Director  
Revenue by : Shri Suhas Dabade, Sr. DR

Date of Hearing : 30.07.2024

Date of Pronouncement : 29.08.2024

**ORDER**

**PER AMARJIT SINGH, ACCOUNTANT MEMBER:**

These appeals filed by the assessee are directed against the different order of ld. CIT(A), NFAC, Delhi pertaining to A.Y. 2010-11 & 2011-12. Both these appeals are adjudicated together by this common order.

**ITA No. 1087/Mum/2024**

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

*"1. On the facts and circumstances of the case and in the law, the ld. ACIT and ld. CIT(A) also erred in addition of Rs. 2,95,02,129/- to the total income as unexplained cash credit u/s 68 of the Act being Adhoc addition of net profit assumed at 10% of Rs. 29,50,21,290/- being gross credit entries in the bank account.*

2. *On the facts and circumstances of the case and in law, the ld. ACIT and ld. CIT(A) has erred in confirming the addition of cash deposits of Rs. 63,20,000/- to the total income as unexplained cash credit u/s 68 of the Act.*

3. *The assessee prays to give natural justice by giving a proper opportunity of being heard by assessing the said case by setting aside the order passed u/s 144 r.w.s. 147.*

4. *Appellant craves leave to add, amend, modify, alter and/or withdraw the grounds of appeal at the time of hearing.”*

3. Fact in brief is that assessee has not filed return income for A.Y. 2010-11. The case of the assessee was reopened u/s 147 of the Act on the basis of information available of Non-filers Monitoring System (NMS) that it had deposited in the form of cash of more than Rs. 10,00,000/- in the bank account. The Assessing Officer has also collected information from the bank u/s 133(6) of the Act and observed that during the F.Y. 2009-10 in the accounts of the assessee there were credit entries of Rs. 30,13,41,290/- made during the year (out of this an amount of Rs. 63,20,000/- was cash deposit). The assessee has neither filed any detail nor made any compliance to the notices of hearing issued by the Assessing Officer. In the absence of any submission and explanation from the assessee, the AO has treated the amount deposited in cash of Rs. 63,20,000/- as unexplained money u/s 68 of the Act. The assessing officer has also noticed credit entries of Rs. 29,50,21,290/- for the F.Y. 2009-10 in the bank account maintained with Kapol Cooperative Bank Ltd., Mumbai by the assessee and 10% of the said credit entries i.e. Rs. 2,95,02,129/- was treated as income of the assessee in absence of any explanation from the assessee.

4. The assessee filed appeal before the ld. CIT(A). However, the assessee has not made any compliance to the notice of hearing issued

during the course of appellate proceedings, therefore, the ld. CIT(A) has dismissed the appeal of the assessee sustaining the addition made by the assessing officer.

5. Heard both the sides and perused the material on record. During the course of appellate proceedings before us, the ld. Counsel submitted that assessee has not received the notice of hearing issued by the ld. CIT(A) and requested to provide more opportunity for adjudicating the case of the assessee on merit before the First Appellate Authority. We consider that neither the ld. CIT(A) has adjudicated the case of the assessee on merit as contemplate u/s 250(6) of the Act on the basis of material placed on record nor the assessee has made any compliance before the ld. CIT(A) therefore in order to decide the appeal of the assessee on merit, we consider it appropriate to restore the case of the assessee to the file of the ld. CIT(A) for deciding afresh on merit in accordance with the provisions of section 250(6) of the Act after providing 3 more opportunities to the assessee to make submission on the points raised by the First Appellate Authority. The assessee is also directed to make due compliance before the ld. CIT(A) without any failure. Accordingly, the appeal of the assessee is allowed for statistical purposes.

ITA No. 1088/Mum/2024

6. On the same reason as discussed while adjudicating the appeal of the assessee vide ITA No. 1087/Mum/2024 as supra in this order, this appeal of the assessee is also restored to the file of the ld. CIT(A) for deciding afresh as directed in the finding of ITA 1087/Mum/2024. Therefore, applying the finding of ITA 1087/Mum/2024 mutatis

mutandis this appeal of the assessee is also allowed for statistical purposes.

7. In the result, both the appeals of the assessee are allowed for statistical purposes.

Order pronounced in the open court on 29.08.2024.

**Sd/-**  
**(MS. KAVITHA RAJAGOPAL)**  
**JUDICIAL MEMBER**

**Sd/-**  
**(AMARJIT SINGH)**  
**ACCOUNTANT MEMBER**

Mumbai, Dated: 29.08.2024  
Biswajit, Sr. P.S.

Copy to:

1. The Appellant:
2. The Respondent:
3. The CIT,
4. The DR

//True Copy//

By Order

Assistant Registrar  
ITAT, Mumbai Benches, Mumbai