

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

**BEFORE SHRI NARENDER KUMAR CHOUDHRY, JUDICIAL MEMBER
AND
SHRI OMKARESHWAR CHIDARA, ACCOUNTANT MEMBER**

**ITA No.730/M/2024
Assessment Year: 2016-17**

M/s. Premchand Motichand Gosrani, Sonamoti Coumpound, H. No. 1277, Vasai, Kharbau RD, Opp Oswal Park, Bhiwandi - 421302 Maharashtra PAN: ACKPS4582M (Appellant)	Vs.	National Faceless Assessment Centre, Delhi (Respondent)
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Present for:

Assessee by : Shri Regan Kapoor (Virtual)
Revenue by : Shri R. R. Makwana, SR D.R.

Date of Hearing : 21 . 08 . 2024
Date of Pronouncement : 30 . 08 . 2024

O R D E R

Per : Narender Kumar Choudhry, Judicial Member:

This appeal has been preferred by the Assessee against the order dated 19.12.2023, impugned herein, passed by the National Faceless Appeal Center (NFAC)/ Ld. Commissioner of Income Tax (Appeals) (in short Ld. Commissioner) under section 250 of the Income Tax Act, 1961 (in short 'the Act') for the A.Y. 2016-17.

2. In the instant case the Assessing Officer (AO) vide order dated 29.03.2022 u/s 147 r.w.s 144B of the Act has made the addition of Rs.10,62,665/- on account of entry from bogus/paper/shell companies. The Assessee, being aggrieved, challenged the said addition before the Ld. Commissioner, however, in spite of affording four opportunities the

Assessee made no compliance. Therefore, the Ld. Commissioner in the absence of relevant evidence and reply which the Assessee has failed to file, in the constrained circumstances decided the appeal of the Assessee as ex-parte and dismissed the same on non prosecution and consequently affirmed the aforesaid addition.

3. The Assessee being aggrieved is in appeal before us. We have given thoughtful considerations to the peculiar facts and circumstances of the case. We observe that both the orders passed by the authorities below are ex-parte. The Assessee has claimed that the notices were issued by the AO during the corona/Covid-19 period and therefore lenient view may be taken, whereas the Assessee failed to demonstrate the plausible reason for not making the compliance before the Ld. Commissioner and therefore the Assessee do not deserve any leniency. However considering the peculiar facts and circumstances in totality as in the absence of reply and relevant documents which the Assessee failed to file, the issue involved in this case remained to be adjudicated its right perspective and proper manner, therefore, for the just decision of the case and for substantial justice, we are inclined to remand the instant case to the file of the AO, as the case remained unrepresented during the assessment proceedings as well due to Covid-19. Consequently, the case is remanded to the file of the AO, however, subject to deposit of Rs.1,000/- in the Revenue Department under "other head". Suffice to say, the AO shall afford reasonable opportunity of being heard to the Assessee and allow to file the relevant documents in support of his claim. We clarify that in case of subsequent default, the Assessee shall not be entitled for any leniency. Thus, the case is remanded to the file of the AO accordingly.

4. In the result, the appeal filed by the Assessee stands allowed for statistical purposes.

Order pronounced in the open court on 30.08.2024.

**Sd/-
(OMKARESHWAR CHIDARA)
ACCOUNTANT MEMBER**

**Sd/-
(NARENDER KUMAR CHOUDHRY)
JUDICIAL MEMBER**

* Kishore, Sr. P.S.

Copy to: The Appellant
The Respondent
The CIT, Concerned, Mumbai
The DR Concerned Bench

//True Copy//

By Order

Dy/Asstt. Registrar, ITAT, Mumbai.