

आयकर अपीलीय अधिकरण, हैदराबाद पीठ
IN THE INCOME TAX APPELLATE TRIBUNAL
Hyderabad ' A ' Bench, Hyderabad

**Before Shri Manjunatha, G. Accountant Member and
Shri Prakash Chand Yadav, Judicial Member**

आ.अपी.सं / **ITA No.553/Hyd/2024**
(निर्धारण वर्ष / Assessment Year: 2017-18)

Telangana State Housing Corporation Limited Hyderabad PAN:AAFCT4920L (Appellant)	Vs.	Dy. C. I. T. Circle 2(1) Hyderabad (Respondent)
निर्धारिती द्वारा / Assessee by:	C.A. B Satyanarayana Murthy	
राजस्व द्वारा / Revenue by:	CIT (DR) Shri B Bala Krishna	
सुनवाई की तारीख / Date of hearing:	09/09/2024	
घोषणा की तारीख / Pronouncement:	09/09/2024	

आदेश / ORDER

Per Manjunatha, G. A.M

This appeal filed by the assessee is directed against the order dated 27/03/2024 of the learned CIT (A)-NFAC Delhi, relating to A.Y.2017-18.

2. The brief facts of the case are that the appellant is a State Owned Public Sector Undertaking, engaged in the business of construction of housing projects undertaken by the State Govt. of Telangana. The appellant has not filed its return of income for

the A.Y 2017-18 u/s 139 of the I.T. Act, 1961. On the basis of information available in the system of the Department, the proceedings u/s 147 of the I.T. Act, 1961 was initiated and accordingly, notices u/s 148 of the Act dated 29.03.2011 was issued and served on the assessee. The assessee did not file return of income in response to the notice u/s 148 of the Act. Further, notices u/s 142(1) of the Act along with the questionnaire was issued on various dates, but no compliance from the assessee. Therefore, the Assessing Officer passed best judgment assessment order u/s 147 r.w.s. 144 of the I.T. Act, 1961 on 24.03.2022 and determined the total income at Rs.11,60,69,480/-.

3. Being aggrieved by the assessment order the assessee preferred an appeal before the learned CIT (A). Before the learned CIT (A), initially there was non-compliance from the assessee, but at later stage the assessee has filed certain additional evidences. During the appellate proceedings, the learned CIT (A) has forwarded additional evidences filed by the assessee to the Assessing Officer, for submission of the remand report u/s 46A of the Income Tax Rules, 1962. The reminders dated 22.9.2022, 2.01.2024 and 11.3.2024 was sent to the Assessing Officer to expedite the remand report. However, the Assessing Officer has not submitted any remand report. Therefore, the learned CIT (A) disposed of the appeal filed by the assessee in absence of remand

report from the Assessing Officer and sustained various additions made by the Assessing Officer.

4. Aggrieved with such order of the learned CIT (A), the assessee is in appeal before the Tribunal.

5. The learned Counsel for the assessee submitted the proceedings before the Assessing Officer are ex-parte and the assessee neither filed any return of income in response to notice u/s 148, nor submitted any details. Although the appellant has filed various details before the learned CIT (A) and also the learned CIT (A) has called for a remand report, but the Assessing Officer has not submitted any remand report. The learned CIT (A) dismissed the appeal filed by the assessee without considering the various additional evidences filed by the assessee. Therefore, he submitted that the matter may be set aside to the file of the Assessing Officer to give another opportunity to the assessee to explain its case.

6. The learned DR, on the other hand, supporting the orders of the learned CIT (A) submitted that the assessee is non-cooperative at all stages of the proceedings which is evident from the ex-parte assessment order and appellate order passed by the authorities. The assessee could not explain as to why it has not appeared before the authorities. Therefore, there is no reason to

afford another opportunity to the assessee and thus, the order of the learned CIT (A) should be upheld.

7. We have heard both the parties, perused the material available on record and gone through the orders of the authorities below. There is no dispute with regard to the fact that the appellant is non-cooperative at all stages of the proceedings including the assessment proceedings and appellate proceedings. However, during the appellate proceedings, the appellant has filed various additional evidences to justify its case and in fact the learned CIT (A) has forwarded additional evidences filed by the assessee to the Assessing Officer for submission of the remand report. Since the Assessing Officer has not submitted its remand report inspite of number of reminders, the learned CIT (A) has disposed of the appeal filed by the assessee, but such appeal has been disposed off without considering the additional evidences filed by the assessee and also without discussing the issues on merit. In our considered view, when the appellant has filed various evidences, the learned CIT (A) either should have considered the evidences filed by the assessee or obtained remand report from the Assessing Officer before disposing of the appeal filed by the assessee. Since the learned CIT (A) disposed of the appeal filed by the assessee without obtaining remand report from the Assessing Officer on additional evidences filed by the assessee, in our considered view, the matter needs to be set aside to the file of the learned CIT (A) to give another opportunity of

hearing to the assessee. Thus, we set aside the order passed by the learned CIT (A) and restore the issue to the file of the learned CIT (A) for fresh consideration. The learned CIT (A) is directed to obtain remand report from the Assessing Officer on additional evidences filed by the assessee and also provide reasonable opportunity of hearing to the assessee to explain its case.

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

Order pronounced in the Open Court on 9th September, 2024.

Sd/-

Sd/-

(PRAKASH CHAND YADAV) JUDICIAL MEMBER	(MANJUNATHA, G.) ACCOUNTANT MEMBER
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Hyderabad, dated 9th September, 2024

Vinodan/sps

Copy to:

S.No	Addresses
1	Telangana State Housing Corporation Ltd, 8-1-3/79 Road No.4 New Padma Nagar Colony, Vaishalinagar, S.O Karmanghat, K.V. Ranga Reddy 500079
2	Dy.CIT, Circle 2(1) Signature Towers, Hyderabad
3	Pr. CIT - Hyderabad
4	DR, ITAT Hyderabad Benches
5	Guard File

By Order