

IN THE INCOME TAX APPELLATE TRIBUNAL "C" BENCH KOLKATA

**Shri Sonjoy Sarma, Judicial Member
Shri Rakesh Mishra, Accountant Member**

**I.T.A. No. 1271/Kol/2024
Assessment Year: 2017-18**

**Vidyasagar Himghar Pvt. Ltd.,
Chandrakona Natungram,
Jhankar Chandrakona Town,
Midnapur Paschim - 721201
[PAN: AABCV7686B]**

..... **Appellant**

vs.

**Income Tax Officer,
Aayakar Bhawan, Ward -38(1),
Midnapur – 721101**

..... **Respondent**

Appearances by:

Assessee represented by : S.S. Gupta, A.R.

Department represented by : Prabhakar Prakash Ranjan, Addl. CIT, Sr. DR

Date of concluding the hearing : 09.09.2024

Date of pronouncing the order : 09.09.2024

ORDER

Per Sonjoy Sarma, Judicial Member:

This appeal filed by the Assessee pertaining to the Assessment Year (in short 'AY') 2017-18 is directed against the order passed u/s 250 of the Income Tax Act, 1961 (in short the 'Act') by the Ld. Commissioner of Income Tax, (Appeals), National Faceless Appeal Centre (NFAC), Delhi (for short "the CIT(A)") dated 10.04.2024 arising out of Assessment Order dated 19.12.2019, passed under Section 143(3) of the Act.

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

"1. That on the facts and circumstances of the case, the Ld. AO is unjustified in making addition of Rs. 3,00,36,658/- U/s 69A of the Act on an erroneous belief and misconception of facts. The Hon'ble CIT(A) has erred in confirming the addition of Rs. 3,00,36,658/- made by the Ld. AO.

2. That on the facts and in circumstances of the case, the Ld. AO has erred in ignoring the business of the assessee. The company had been sanctioned OLF/Cash Credit loan for lending to farmers which was subsequently refunded to the assessee and deposited in its bank accounts.

3. That on the facts and in circumstances of the case, the Ld. AO has passed the order without allowing reasonable and adequate opportunity of being heard, in violation of principles of natural justice.

4. That on the facts and in circumstances of the case, the Ld. AO has passed the order with predetermined and prejudiced mindset solely based on presumption of facts.

5. That the appellant craves leave to add, alter, adduce or amend any ground(s) on or before the date of hearing of the appeal."

3. At the outset, the Ld. AR stated that the impugned order passed by the Ld. CIT(A) is an ex-parte order without discussing on the merit of the case. Therefore, the impugned order passed by the Ld. CIT(A) is not in accordance with law and liable to be quashed. On the other hand, on the contention of such prayer made by the AR of the assessee. Ld. DR did not raise any objection to such prayer made by AR before the Bench.

4. We after hearing the rival submissions of the parties and perusing the material available on record. We find that the impugned order passed by the Ld. CIT(A) is an ex-parte order and without discussing on the merit of the case. We therefore, interest of natural justice and fair play to the parties, it is necessary to remand back to the whole issue to the file of the Ld. AO with a direction to re-examine the issue afresh after affording reasonable opportunity of being heard to the assessee. The assessee is also directed to represent its case properly by submitting necessary documents in order to substantiate its claim before him. In terms of the above, appeal of the assessee is allowed for statistical purposes.

5. In the result, appeal of the assessee is allowed for statistical purposes.

Kolkata, the 9th September, 2024.

Sd/-
[Rakesh Mishra]
Accountant Member

Sd/-
[Sonjoy Sarma]
Judicial Member

Dated: 09.09.2024.
AK, PS

Copy of the order forwarded to:

- 1 Vidyasagar Himghar Pvt. Ltd.,
2. Income Tax Officer, Aayakar Bhawan, Ward -38(1),
3. CIT(A)-
4. CIT-
5. CIT(DR),

//True copy//

By order

Assistant Registrar, Kolkata Benches