

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH: 'E' NEW DELHI**

**BEFORE SH. PRADIP KUMAR KEDIA, ACCOUNTANT MEMBER
AND
SHRI YOGESH KUMAR U.S., JUDICIAL MEMBER**

I.T.A. No. 564/DEL/2024 (A.Y 2015-16)

Meter and Instruments Pvt. Ltd. P-4/90, IInd floor, Connaught Circus, Delhi-110001, PAN No. AAACM1906C (APPELLANT)	Vs.	DCIT Circle-16(2) New Delhi (RESPONDENT)
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Assessee by :	Sh. V. K. Agarwal, AR & Sh. Anubhav Sharma, CA
Department by:	Ms. Smita Singh, Sr. DR

Date of Hearing	10.09.2024
Date of Pronouncement	10.09.2024

ORDER

PER YOGESH KUMAR U.S., JM

This appeal is filed by the assessee for the Assessment Year 2015-16 against the order of the Ld. CIT(A)/National Faceless Appeal Centre ('NFAC' for short), Delhi dated 19/01/2024.

2. The Grounds of appeal are as under:-

“1) Under the facts and circumstances of the case, Ld. CIT(A) grossly erred on facts as well as in law in not annulling the assessment order passed by the Ld. AO which is ex-facie arbitrary, illegal and without jurisdiction being against the provisions of IT Act, 1961 and principles of natural justice.

2) The Ld. CIT(A) has grossly erred on facts as well as in law in passing an ex-parte order falling to appreciate that the appellant has duly responded to all the notices before.

3) The Ld. CIT(A) has grossly erred on facts as well as in law in confirming the assessed income at Rs. 2,88,51,260/- as against the returned loss of Rs. 5,87,61,811/-

4) The Ld. CIT(A) has grossly erred on facts as well as in law in not considering the fact that while computing the taxable income, the Ld. AO considered the returned loss at Rs. 3,02,00,338/- instead of loss of Rs. 5,87,61,811/- as returned by the appellant.

5) The Ld. CIT(A) has grossly erred on facts as well as in law in confirming the addition of Rs. 1,722/- u/s 14A of the IT Act, 1961 in spite of the fact that assessee has not earned any exempt income.

6) The Ld. CIT(A) has grossly erred on facts as well as in law in confirming the addition of Rs. 5,90,49,877/- u/s 43CA of the IT Act, 1961 failing to appreciate that the impugned properties were sold at its fair market value which is justified by the valuation report prepared by registered valuer.

7) The Ld. CIT(A) has grossly erred on facts as well as in law in not holding that completing the assessment without waiting for the report from the DVO on the reference made u/s 50C(2) is in complete violation of the provisions of IT Act, 1961 rendering section 50C(2) in fructuous.

8) The appellant craves leave to add, alter, modify and withdraw any ground of appeal before or during the appellate proceedings.

3. Brief facts of the case are that, the assessee filed return of income declaring total loss of Rs. 5,87,61,811/-, which was selected for scrutiny under CASS. Assessment order came to be passed u/s 143(3) of the Act on 29/12/2017, by making addition of Rs. 5,90,49,877/- the assessee preferred an Appeal before the CIT(A) and the CIT(A) vide order dated 19/01/2024 dismissed the Appeal filed by the assessee.

4. Aggrieved by the order of the Ld. CIT(A), the assessee preferred the present Appeal on the Grounds mentioned above.

5. The Ld. Counsel for the assessee apart from the canvassing on the merit of the case, also drawn our attention to the order of the CIT(A), which has been passed ex-parte without giving findings on

the merits and the grounds of appeal of the assessee, therefore, sought for allowing the Appeal .

6. Per contra, the Ld. Departmental Representative relying on the orders of the Lower Authorities, submitted that the sufficient opportunity has been granted to the assessee and even on merit, submitted that the Appeal of the assessee deserves to be dismissed.

7. We have heard both the parties and perused the material available on record. The Ld. CIT(A) while deciding the Appeal of the assessee, except reproducing the assessment order and details of the adjournment applications filed by the assessee not commenced on the merits of the case. The Ld. CIT(A) ought to have decided the Appeal on merit. Therefore, without commenting on the merits of the case, we restore the Appeal to the file of the Ld. CIT(A) to decide the Appeal afresh on merit after providing opportunity of being heard to the assessee.

8. In the result, Appeal filed by the assessee is partly allowed for statistical purpose.

Order pronounced in the open court on 10th September, 2024.

Sd/-

**(PRADIP KUMAR KEDIA)
ACCOUNTANT MEMBER**

Dated : 10/09/2024

*R.N, Sr. PS**

Copy forwarded to:

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

Sd/-

**(YOGESH KUMAR U.S.)
JUDICIAL MEMBER**

ASSISTANT REGISTRAR
ITAT NEW DELHI