



**IN THE INCOME TAX APPELLATE TRIBUNAL,
CUTTACK BENCH, CUTTACK**

**BEFORE SHRI GEORGE MATHAN, JUDICIAL MEMBER
AND
MANISH AGARWAL, ACCOUNTANT MEMBER**

ITA Nos.369 to 372 /CTK/2024
Assessment Years : 2012-13 & 2013-14

Neelachal Bank,190/702, Residency, Airport Area Post Office, Pokhariput, Bhubaneswar	Gramya Kokila Ananta Bihar, Post Office, Bhubaneswar	Vs.	DCIT, Circle-2(1), Bhubaneswar
PAN/GIR No.AAALN 0450 F			
(Appellant)		..	(Respondent)

Assessee by : S/Shri B.K.Mahapatra and A.K.Sabat, CAS
Revenue by : Shri Saroj Kumar Dubey, CIT DR

Date of Hearing : 30/9/2024
Date of Pronouncement : 30/9/2024

ORDER

Per Bench

ITA No.371 and 372/CTK/2024 are the appeals filed by the assessee against the order of the Id CIT(A), NFAC, Delhi dated 10.7.2024 in Appeal No.CIT(A),Bhubaneswar-1/11032//2017-18 and No.NFAC/2012-13//10014346 for the assessment years 2012-13 and 2013-14, in the matter of assessment under section 143(3)/147 of the Act.

2. ITA No.369/CTK/2024 and ITA No.370/CTK/2024 are the appeals filed by the assessee against the order dated 10.7.2024 in Appeal No.CIT(A), Bhubaneswar-1/10086/2018-19 and CIT(A), Bhubaneswar-1/10087/2018-19 for the assessment year 2012-13 & 2013-14, in the matter of penalty under section 221(1) of the Act.

3. Shri B.K.Mahapatra and A.K.Sabat, CAs appeared for the assessee and Shri Saroj Kumar Dubey, Id CIT DR appeared for the revenue.

4. It was submitted by Id AR that the Id CIT(A) has not given due opportunity of hearing to the assessee and passed the impugned orders exparte. It was the submission that the Id CIT (A) has given only one effective opportunity on 15.5.2024 by issuance of notice dated 2.5.2024. It was the further submission that the Assessing Officer has also not considered all the returns filed by the assessee during the original assessment as well as during reassessment proceedings. It was the submission that in the penalty proceedings, adequate opportunity of hearing was not afforded to the assessee, therefore, the principle of natural justice has not been followed. Ld AR submitted that the appeals in regard to quantum as well as penalty be restored to the file of the Id CIT(A) to readjudicate the issue on merits and the assessee would cooperate by filing all the necessary documents to substantiate its case.

5. In reply, Id CIT DR did not have any objection in restoring the appeals to the file of the Id CIT(A).

6. We have considered the rival submissions. A perusal of the quantum as well as penalty orders of the Id CIT(A) shows that the assessee has not been given due opportunity of hearing. In the Bar, the Id AR has requested to allow one more opportunity of hearing to the assessee. In view of above, the issues in the appeals are restored to the file of the Id CIT(A) for fresh adjudication. The Id CIT(A) is directed to readjudicate the quantum appeals and then to proceed for readjudication of the penalty under section 221(1) of the Act after allowing adequate opportunity of hearing to the assessee. The assessee is directed to file all the documentary evidences in support of its claims before the Id CIT(A), as it deems necessary.

7. In the result, all the appeal of the assessee stand partly allowed for statistical purposes.

Order dictated and pronounced in the open court on 30/9/2024.

Sd/-

(Manish Agarwal)
ACCOUNTANT MEMBER

sd/-

(George Mathan)
JUDICIAL MEMBER

Cuttack; Dated 30/9/2024
B.K.Parida, SPS (OS)

Copy of the Order forwarded to :

1. The Appellant : Neelachal Gramya Bank,190/702, Kokila Residency, Ananta Bihar, Airport Area Post Office, Pokhariput, Bhubaneswar
2. The Respondent: DCIT, Circle-2(1), Bhubaneswar
3. The CIT(A)- NFAC, Delhi
4. Pr.CIT, Bhubaneswar
5. DR, ITAT,
6. Guard file.
//True Copy//

By order

Sr.Pvt.Secretary
ITAT, CUTTACK

