

**IN THE INCOME TAX APPELLATE TRIBUNAL,  
KOLKATA-PATNA 'e-COURT', KOLKATA  
[Hybrid Court Hearing]**

**Before Shri Rajpal Yadav, Vice-President (KZ)  
&  
Dr. Manish Borad, Accountant Member**

**I.T.A. No. 30/PAT/2022  
Assessment Year: 2016-2017**

***Arun Kumar Gupta,..... Appellant  
Langadapura, Mairwa,  
Siwan-841226, Bihar  
[PAN: AHPPK9451P]***

**-Vs.-**

***Deputy Commissioner/Assistant Commissioner  
of Income Tax,.....Respondent  
Circle-2, Muzaffarpur***

**Appearances by:**

*N o n e, appeared on behalf of the assessee*

*Shri Ashwani Kumar, Sr. D.R., appeared on behalf of the  
Revenue*

Date of concluding the hearing : September 24, 2024

Date of pronouncing the order : October 10, 2024

**O R D E R**

**Per Rajpal Yadav, Vice-President (KZ):-**

The assessee is in appeal before the Tribunal against the order of Id. Commissioner of Income Tax (Appeals),

National Faceless Appeal Centre (NFAC), Delhi dated 28<sup>th</sup> October, 2021 passed for A.Y. 2016-17.

2. Though the assessee has taken nine grounds of appeal, but his only grievance is that ld. CIT(Appeals) has erred in confirming the addition of Rs.7,52,396/-, which was added by the ld. Assessing Officer by making a disallowance out of claim of depreciation.

3. This appeal was listed on the Board on 18.04.2023. Thereafter it has been adjourned on nine occasions. Every time fresh notice was issued and efforts were made to inform the assessee on the telephone number given in Form 36. But no one has come present and, therefore, under compelling circumstances, the hearing was concluded *ex-parte* on 24.09.2024.

4. With the assistance of ld. D.R., we have gone through the record carefully. Brief facts of the case are that the assessee has filed his return of income on 04.11.2016 declaring total income of Rs.20,75,314/-. The case of the assessee was selected for scrutiny assessment and a notice under section 143(2) was issued and served upon the assessee. On scrutiny of the accounts, it revealed to the ld. Assessing Officer that written down value of the assets, namely vehicles were shown at Rs.5,084/- as on 31.03.2015, but on the first day of opening for the next

accounting year, i.e. F.Y. 2015-16, the assessee has shown the gross value of the block of assets at Rs.50,15,970/-. The ld. Assessing Officer has directed the assessee to show as to how this change is being reflected in the total value of the block of assets. One line of submission reproduced by the ld. AO on page 2 is that four trucks were, though accounted in Kushwaha Traders, but never used there and no depreciation was claimed. All these trucks have been bought in the block of assets of VIP Building Mall Business as on 01.04.2015. The ld. Assessing Officer in the assessment order has observed that thereafter no material was submitted by the assessee and he disallowed the depreciation on this addition in the written down value of the assets.

5. Appeal to the ld. CIT(Appeals) did not bring any relief to the assessee.

6. With the assistance of ld. D.R., we have gone through the record carefully. The assessee has not filed any statement of facts filed before the ld. CIT(Appeals). He has not filed any paper book before us. The ld. Assessing Officer has noticed very limited information about the issue in dispute. The order of the ld. CIT(Appeals) is totally silent. The ld. 1<sup>st</sup> Appellate Authority has just concurred with the ld. Assessing Officer. The assessee has not filed any statement of facts before the Tribunal explaining the

transaction. It is very difficult to comprehend how this addition was made in the block of assets by the assessee as on 1<sup>st</sup> April, 2015, because on that day, the value shown in the closing date ought to be recognized. The assessee thereafter could make the additions but those additions are to be explained by him, namely how the asset was acquired, source of funds, etc. but nothing has been submitted continuously before the three authorities. Therefore, under the compelling circumstances, we do not have any other choice except to uphold the disallowance of depreciation made by the ld. Assessing Officer.

7. As far as the other grounds are concerned, these are peripheral in nature, namely in Ground No. 1, the assessee has submitted that ld. CIT(Appeals) has erred in deciding the appeal *ex-parte*. In Ground No. 2, he submitted that ld. CIT(Appeals) failed to appreciate the hardship caused by COVID 19. In Ground No. 3, he has pleaded that the order of ld. CIT(Appeals) is in violation of principle of natural justice.

8. All these peripheral arguments are being taken here but nothing substantial has been pointed out, which could have been appreciated by the Tribunal. These pleas are being taken for the sake of taking them. Therefore, we do not find any merit in any of the grounds taken by the assessee.

**9. In the result, the appeal of the assessee is dismissed.**

Order pronounced in the open Court on 10.10.2024.

Sd/-

**(Manish Borad)**  
**Accountant Member**

**Kolkata, the 10<sup>th</sup> day of October, 2024**

Sd/-

**(Rajpal Yadav)**  
**Vice-President**

*Copies to :(1) Arun Kumar Gupta,  
Langadapura, Mairwa,  
Siwan-841226, Bihar*

*(2) Deputy Commissioner/Assistant Commissioner of  
Income Tax,  
Circle-2, Muzaffarpur*

*(3), CIT(Appeals), NFAC, Delhi;*

*(4) CIT ----,*

*(5) The Departmental Representative;*

*(6) Guard File*

*TRUE COPY*

*By order*

*Assistant Registrar,  
Income Tax Appellate Tribunal,  
Kolkata Benches, Kolkata*

**Laha/Sr. P.S.**