

आयकर अपीलीय अधिकरण “सी” न्यायपीठ चेन्नई में।
IN THE INCOME TAX APPELLATE TRIBUNAL
“C” BENCH, CHENNAI

माननीय श्री एबी टी. वर्की, न्यायिक सदस्य एवं
माननीय श्री मनोज कुमार अग्रवाल, लेखा सदस्य के समक्ष।
BEFORE HON’BLE SHRI ABY T. VARKEY, JM AND
HON’BLE SHRI MANOJ KUMAR AGGARWAL, AM

आयकरअपील सं./ ITA No.1938/Chny/2024
(निर्धारणवर्ष / Assessment Year: 2014-15)

Banu Modern Rice Mill #6, Thirunagar, 1 st Street, 100 Feet Road, Vadapalani, Chennai-600 026.	बनाम/ Vs.	ITO Non-Corporate Ward-13(2) Chennai.
स्थायी लेखासं./जीआइआरसं./PAN/GIR No. AADFB-9233-F		
(अपीलार्थी/ Appellant)	:	(प्रत्यर्थी / Respondent)

अपीलार्थीकीओरसे/ Appellant by	:	Shri S. Sridhar (Advocate) - Ld. AR
प्रत्यर्थीकीओरसे/ Respondent by	:	Shri Clement Ramesh Kumar (CIT) -Ld. DR

सुनवाईकीतारीख/ Date of Hearing	:	24-09-2024
घोषणाकीतारीख / Date of Pronouncement	:	09-10-2024

आदेश / O R D E R

Manoj Kumar Aggarwal (Accountant Member)

1. Aforesaid appeal by assessee for Assessment Year (AY) 2014-15 arises out of an ex-parte order of learned Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi [CIT(A)] dated 28-06-2024 in the matter of assessment framed by the Ld.AO u/s 143(3) of the Act on 31-12-2016. In the assessment order, Ld. AO made certain addition of Rs.18.99 Crores invoking the provisions of Sec. 40A(3). The same reached to Tribunal wherein, vide order dated 24-08-2022, the issue was restored back to the file of Ld. CIT(A) for fresh

adjudication. However, the assessee failed to appear even during set aside proceedings and accordingly, the assessment was confirmed. Aggrieved, the assessee is in further appeal before us. The Ld. AR submitted that the assessee is dealing in rice which is agricultural produce and therefore, the aforesaid provisions may not apply to the assessee. The Ld. Sr. DR opposed any interference in the impugned order on the ground that the assessee has remained negligent.

2. Though the assessee has remained negligent in substantiating its case even as per the directions of Tribunal, however, keeping in mind the principle of natural justice as well as the arguments of Ld AR, we accept the prayer of Ld. AR and restore the assessment back to the file of Ld. AO. The same would come at a cost of Rs.5,000/- which shall be deposited by the assessee within 30 days from the date of receipt of this order to 'Tamil Nadu State Legal Services Authority' at Hon'ble High Court of Madras. The proof of the same shall be furnished by the assessee to learned AO who shall proceed for framing of assessment afresh. The assessee is directed to substantiate its case forthwith.

3. The appeal stand allowed for statistical purposes.

Order pronounced on 9th October, 2024

Sd/-
(ABY T. VARKEY)
न्यायिक सदस्य / JUDICIAL MEMBER

Sd/-
(MANOJ KUMAR AGGARWAL)
लेखा सदस्य / ACCOUNTANT MEMBER

चेन्नई Chennai; दिनांक Dated :09-10-2024
DS

आदेशकीप्रतिलिपिअग्रेषित/Copy of the Order forwarded to :

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकरआयुक्त/CIT Chennai.

4. विभागीयप्रतिनिधि/DR
5. गार्डफाईल/GF