

**IN THE INCOME TAX APPELLATE TRIBUNAL, 'C' BENCH
MUMBAI**

**BEFORE: SHRI AMIT SHUKLA, JUDICIAL MEMBER
&
SHRI GIRISH AGRAWAL, ACCOUNTANT MEMBER**

**ITA No.4697/Mum/2024
(Assessment Year :2014-15)**

M/s. Chandra Financial Services Pvt. Ltd. Achal Building 3 rd Floor, 21 Mody Street, Fort Mumbai – 400 001	Vs.	Assistant Commissioner of Income Tax, Circle 2(1)(1), Mumbai
PAN/GIR No.AABCC5331Q		
(Appellant)	..	(Respondent)

Assessee by	Shri Rajiv Khandelwal a/w. Shri Akash Kumar
Revenue by	Shri Kishna Kumar
Date of Hearing	29/10/2024
Date of Pronouncement	29/10/2024

आदेश / O R D E R

PER AMIT SHUKLA (J.M):

The aforesaid appeal has been filed by the assessee against order dated 30/01/2024 passed by NFAC, Delhi for the quantum of assessment passed u/s.147 r.w.s. 144.

2. Before us, ld. Counsel submitted that the ld. CIT(A) has erred by not admitting the appeal by invoking the provision of Section 249(4) on the ground that assessee has not made payment for advancement of tax. He pointed out that assessee

had not filed its return of income and even the notice u/s.148 of re-assessment proceedings have not been done *ex parte* due to non-service of notice. Thus, when assessee has not filed the return of income, there is no question of paying any advance tax. The claim of the assessee is that it has no income, therefore, there is no question of any payment of advance tax.

3. Since assessee has not filed the return of income and also claimed to have no taxable income then, there is no applicability of Section 249(4). Accordingly, the matter is restored back to the file of the Id. CIT(A) to decide the issue on merits after admitting the appeal and in accordance with law after giving due opportunity of hearing to the assessee.

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

Order pronounced on 29th October, 2024.

Sd/-
(GIRISH AGRAWAL)
ACCOUNTANT MEMBER

Mumbai; Dated 29/10/2024
KARUNA, *sr.ps*

Sd/-
(AMIT SHUKLA)
JUDICIAL MEMBER

Copy of the Order forwarded to :

1. The Appellant
2. The Respondent.
3. CIT
4. DR, ITAT, Mumbai
5. Guard file.

//True Copy//

BY ORDER,

(Asstt. Registrar)
ITAT, Mumbai