

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

Before Shri Satbeer Singh Godara, Judicial Member and
Shri Amarjit Singh, Accountant Member

ITA No. 658/Coch/2023
(Assessment Year: 2008-09)

Innovative Marketing Group 1216, CA Complex, Mukkom Road, Areacode Malappuram 673639 [PAN: AACFI3836N] (Appellant)	vs.	The Income Tax Officer Ward - 2, Tirur (Respondent)
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Appellant by:	Shri Shaji Poulouse, Advocate
Respondent by:	Smt. V. Swarnalatha, Sr. D.R.

Date of Hearing:	22.08.2024
Date of Pronouncement:	23.10.2024

ORDER

Per Bench

This assessee's appeal for A.Y. 2008-09 arises against the National Faceless Appeal Centre, Delhi [CIT(A)]'s DIN & Order No. ITBA/NFAC/S/250/2023-24/1054158523(1) dated 05.07.2023 in proceedings u/s. 250 of the Income Tax Act, 1961 (the Act).

Heard both parties at length. Case file perused.

2. It emerges at the outset with the able assistance coming from both the parties that the CIT(A)/NFAC has passed exparte order confirming the Assessing Officer's action making sec.40(a)(ia) disallowance of Rs.89,00,190/- for non-deduction of TDS without dealing with the relevant factual matrix as contemplated u/s. 250(6) of the

Act requiring him to frame points of determination followed by a detailed discussion thereon in paragraphs 6.5 to 6.6 of the impugned order. Faced with this situation, we deem it fit appropriate to restore the issue back to the Assessing Officer for his afresh verification and adjudication with the rider that it shall be the assessee's risk and responsibility only to plead and prove all the relevant facts within three effective opportunities of hearing in consequential proceedings. Ordered accordingly.

3. This assessee's appeal is allowed for statistical purposes.

Order pronounced in the open court on 23rd October, 2024 under Rule 34 of The Income Tax (Appellate Tribunal) Rules, 1963.

Sd/-
(Amarjit Singh)
Accountant Member

Sd/-
(Satbeer Singh Godara)
Judicial Member

Cochin, Dated: 23rd October, 2024

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Copy to:

1. The Appellant
2. The Respondent
3. The Pr. CIT concerned
4. The Sr. DR, ITAT, Cochin
5. Guard File

By Order

Assistant Registrar
ITAT, Cochin