

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

**Before Shri Satbeer Singh Godara, Judicial Member &
Shri Amarjit Singh, Accountant Member**

ITA No.719/Coch/2023: Asst. Year 2017-2018

Navodhaya Kuries Private Limited Ambakkadan Junction Eastern Bazar Thrissur-680.001. PAN: AAACN7665H.	v.	The Income Tax Officer Ward 1(2) Thrissur.
(Appellant)		(Respondent)

Appellant by: Sri. Cheeran Varghese, CA
Respondent by: Smt.V.Swarnalatha, Sr.DR

Date of Hearing: 16.08.2024		Date of Pronouncement : 23.10.2024
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O R D E R

Per Bench:

This assessee's appeal in ITA No.719/Coch/2023 for assessment year 2017-2018 arises out of the order of the Commissioner of Income-tax (Appeals) / NFAC vide DIN & Order No.ITBA/NFAC/S/250/2023-24/1055142756(1) dated 16.08.2023 in proceedings u/s.143(3) of the Income-tax Act, 1961; in short "the Act" hereinafter.

Heard both the parties. Case file perused.

2. It emerges during the course of hearing that the NFAC has noted the assessee's continuous non-appearance in the lower appellate proceedings before rejecting the assessee's contentions vide ex-parte order under challenge. Learned

Sr.DR. could hardly dispute the clinching fact that the NFAC's order has nowhere decided the assessee's substantive grounds on merits as contemplated u/sec.250(6) of the Act requiring it to give points for determination followed by a detailed adjudication thereof. Faced with the situation, we deem it appropriate in the larger interest of justice to restore the assessee's instant appeal back to the NFAC for it's afresh adjudication, preferably within three effective opportunities of hearing, subject to the rider that it shall be the taxpayer's onus and responsibility only to file and prove all the relevant facts in consequential proceedings. This assessee's appeal ITA No. 719/Coch/2023 is allowed for statistical purposes in very terms. Ordered accordingly.

Order pronounced in the open court on this 23rd Day of October, 2024.

Sd/-
(Amarjit Singh)
Accountant Member

Sd/-
(Satbeer Singh Godara)
Judicial Member

Cochin; Dated: 23rd October, 2024
Devadas G*

Copy to:

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

Assistant Registrar/ ITAT, Cochin