

आयकर अपीलीय अधिकरण, 'सी' न्यायपीठ, चेन्नई
IN THE INCOME-TAX APPELLATE TRIBUNAL 'C' BENCH, CHENNAI
श्री एस.एस. विश्वनेत्र रवि, न्यायिक सदस्य एवं श्री अमिताभ शुक्ला, लेखा सदस्य के समक्ष
Before Shri S.S. Viswanethra Ravi, Judicial Member &
Shri Amitabh Shukla, Accountant Member

आयकर अपील सं./I.T.A. No.1899/Chny/2024
निर्धारण वर्ष/Assessment Year: 2018-19

Zinnia Life Sciences Private
Limited, 239, Thiruvenkatasamy Road,
Coimbatore 641 002, Tamil Nadu.

Vs. The Deputy Commissioner of
Income Tax,
Corporate Circle - 1,
Coimbatore.

[PAN: AAACZ7555L]

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से / Appellant by : Shri H. Yeswanthkumar, Advocate
प्रत्यर्थी की ओर से/Respondent by : Ms. R. Anita, Addl. CIT
सुनवाई की तारीख/ Date of hearing : 12.11.2024
घोषणा की तारीख /Date of Pronouncement : 13.11.2024

आदेश / O R D E R

PER S.S. VISWANETHRA RAVI, JUDICIAL MEMBER:

This appeal filed by the assessee is directed against the order dated 30.05.2024 passed by the Id. Commissioner of Income Tax (Appeals), National Faceless Appeal Centre [NFAC], Delhi for the assessment year 2018-19.

2. The assessee raised sole issue of challenging the action of the Id. CIT(A) in confirming the addition made on account of sales promotion expenditure in the facts and circumstances of the case.

3. We note that the Assessing Officer added an amount of ₹.80,52,718/- to the total income of the assessee on account of sales promotion expenditure in the absence of any supporting documents. The Id. CIT(A) confirmed the same by recording his reasons from para 7.2.1 to 8.1 of the impugned order. On perusal of both the orders at para 6 and 8.2 respectively, it is noted that both the authorities below made the disallowance in the absence of any documentary evidence in support of the claim of the assessee. We note that the assessee filed evidence by way of additional evidences before the Id. CIT(A), but, however, the said additional evidences were not admitted for the reason as it is reflecting in para 7.1.4 of the impugned order.

4. Before us, the Id. AR Shri H. Yeswanthkumar, Advocate filed paper book containing 406 pages. On perusal of the same, we note that the Assessing Officer issued show-cause notice on 23.02.2021 requesting the assessee to file reply on or before 02.03.2021. The assessee sought adjournment by letter dated 27.02.2021 upto 05.03.2021 for filing reply to the show-cause notice. The Assessing Officer, however, adjourned the matter till 08.03.2021 and it is noted that the assessee filed details on 03.03.2021, which is reflected from page 5 & 6 of the paper book. But, however, though the Assessing

Officer passed the assessment order on 24.03.2021, but, not considered the details as submitted on 03.03.2021 by the assessee. As discussed above, the Id. CIT(A) did not entertain the additional evidences filed before the first appellate authority. The Id. AR pleaded for one more opportunity as the assessee is ready to prosecute its case by filing relevant evidences.

5. The Id. AR drew our attention to the paper book and submits that the evidences as reflecting from page 7 to 406 of the paper book are necessary for fair adjudication of the issue and requested to remand the matter to the file of the Assessing Officer.

6. The Id. DR Ms. R. Anita, Addl. CIT did not oppose the same.

7. Having heard both the parties and upon perusal of the assessment order and the impugned order, we note that there was no opportunity for the assessee to substantiate its case before the Assessing Officer as well as Id. CIT(A) despite uploading the details through online. Therefore, taking into consideration the material evidence as furnished in the form of paper book as well as in the interest of natural justice, we deem it proper to remand the matter to the file of the Assessing officer for fresh consideration. The assessee shall furnish complete details to

substantiate its case before the Assessing Officer. Thus, the ground raised by the assessee is allowed for statistical purposes.

8. In the result, the appeal filed by the assessee is allowed for statistical purposes.

Order pronounced on 13th November, 2024 at Chennai.

Sd/-
(AMITABH SHUKLA)
ACCOUNTANT MEMBER

Sd/-
(S.S. VISWANETHRA RAVI)
JUDICIAL MEMBER

Chennai, Dated, 13.11.2024

Vm/-

आदेश की प्रतिलिपि अग्रेषित/Copy to:

1. अपीलार्थी/Appellant,
2. प्रत्यर्थी/ Respondent,
3. आयकर आयुक्त/CIT, Chennai/Madurai/Coimbatore/Salem
4. विभागीय प्रतिनिधि/DR &
5. गार्ड फाईल/GF.