

**IN THE INCOME TAX APPELLATE TRIBUNAL
“D” BENCH, AHMEDABAD**

**BEFORE DR. BRR KUMAR, ACCOUNTANT MEMBER &
SHRI SIDDHARTHA NAUTIYAL, JUDICIAL MEMBER**

I.T.A. No.403/Ahd/2024
(Assessment Year: 2015-16)

Lohana Steel Pvt. Ltd., 1, C/o. Vijay Lokhand Bhandar Dabhoi Road, Pratapnagar, Vadodara-390004	Vs.	Deputy Commissioner of Income Tax, Circle-1(1)(2), Vadodara
[PAN No.AAACL3235B]		
(Appellant)	..	(Respondent)

Appellant by :	Shri Jignesh Parikh, A.R.
Respondent by:	Shri Prothviraj Meena, CIT-DR

Date of Hearing	24.10.2024
Date of Pronouncement	04.11.2024

ORDER

PER SIDDHARTHA NAUTIYAL - JUDICIAL MEMBER:

This appeal has been filed by the Assessee against the order passed by the Ld. Commissioner of Income Tax (Appeals), (in short “Ld. CIT(A)”), National Faceless Appeal Centre, (in short “NFAC”), Delhi vide order dated 08.02.2024 passed for A.Y. 2015-16.

2. The Assessee has taken the following grounds of appeal:-

“1. On the facts and in the circumstances of the case as well in law, the (Appeals) NFAC, New Delhi erred in confirming the action of Ld. AO in rejecting the books of Accounts u/s 145(3) of The Income Tax Act, 1961.

2. On the facts and in the circumstances of the case as well in law, the (Appeals), NFAC, New Delhi erred in estimating the income of the appellant by applying the GP of 5% as against the returned loss of Rs. 84,66,872/-.

3. The appellant further reserves its right to add, alter, amend or modify any of the aforesaid grounds before or at the time of hearing of an appeal.”

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3. The Ld. CIT(A) determine the GP rate @ 5% on estimate basis.
4. The Ld. Counsel for the assessee submitted that the assessee was in dire situation which prevented him to submit the details before the Ld. CIT(A) which led to passing of an ex-parte order and prayed that given an opportunity all the required details would be submitted before the Revenue Authorities.
5. The Ld. CIT D.R. fairly accepted that the matter needs to be looked into on the merits of the issue by the Ld. CIT(A). Hence, the case is remitted to the Ld. CIT(A) to adjudicate the issue afresh. The assessee shall comply to all the notices issued by the Ld. CIT(A) from time to time without fail. Hence, the appeal of the assessee is allowed for statistical purposes.
6. In the result, the appeal of the assessee is allowed for statistical purposes.

This Order is pronounced in the Open Court on 04/11/2024

Sd/-
(DR. BRR KUMAR)
ACCOUNTANT MEMBER

Sd/-
(SIDDHARTHA NAUTIYAL)
JUDICIAL MEMBER

(True Copy)

Ahmedabad; Dated 04/11/2024
TANMAY, Sr. PS