

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

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

ITA No. 493/Coch/2023
(Assessment Year: 2008-09)

Bayshore Properties (P) Ltd. 66/4952, Family Welfare Centre Building, 2nd Floor, M.G. Road Ernakulam 682025 [PAN: AACCB9864E]	vs.	The Income Tax Officer Corporate Ward - 1(1) CR Building, IS Press Road Kochi 682018
(Appellant)		(Respondent)

Appellant by:	Shri Mohanan A., CA
Respondent by:	Smt. V. Swarnalatha, Sr. D.R.

Date of Hearing:	22.08.2024
Date of Pronouncement:	07. 11.2024

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/250/2023-24/1052636001(1) dated 08.05.2023 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's impugned ex-parte lower appellate discussion has upheld the Assessing Officer's action rejecting the assessee's books thereby estimating 8% of its turnover of Rs.2,56,85,567/-; coming to Rs.20,54,845/- as its business income.

3. Learned DR vehemently argued in support of the impugned addition made in assessee's hands. The assessee at this stage invited our attention to the CIT(A)'s detailed discussion at page-5 in para-4 to buttress the point that this is an ex-parte order wherein the hearings had been resumed after 17.03.2020 [during Covid-2019 pandemic outbreak] to 27.03.2023 i.e., almost a gap of three years. We sought to know from the department side about the actual service of notice to the assessee wherein no satisfactory answer came. Faced with this situation, we deem it appropriate in the larger interest of justice to restore the instant issue back to the learned CIT(A)-NFAC for its afresh verification and adjudication with a rider that it shall be the assessee's risk and responsibility only to plead and prove all the related facts within three effective opportunities of hearing in consequential proceedings. Ordered accordingly.

4. This assessee's appeal is allowed for statistical purposes in above terms.

Order pronounced in the open court on 7th November, 2024.

Sd/-
(Amarjit Singh)
Accountant Member

Sd/-
(Satbeer Singh Godara)
Judicial Member

Cochin, Dated: 7th November, 2024

VBP/-

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