

IN THE INCOME TAX APPELLATE TRIBUNAL “C” BENCH, KOLKATA

[Before Shri Duvvuru R. L. Reddy, Vice President & Shri Rajesh Kumar, AM]

I.T.A. No. 122/Kol/2024

Assessment Year: 2017-18

Muchhal Autolinkers Private Limited 36, P. N. Malia Road, Raniganj, H.O. Raniganj, West Bengal-712347. (PAN: AAFCM7388D)	Vs.	Income Tax Officer, Ward-3(1), Asansol
Appellant		Respondent

Date of conclusion of Hearing	28.11.2024
Date of Pronouncement	05.12.2024
For the Assessee	Shri T. P. Roy, Advocate
For the Revenue	Shri Sanjay Paul, CIT, DR

ORDER

Per Shri Rajesh Kumar, AM

The captioned appeal filed by the assessee is against the order of Ld. CIT(A), National Faceless Appeal Centre (NFAC), Delhi dated 01.12.2023 for AY 2017-18 arising out of assessment order passed u/s. 144 of the Income Tax Act, 1961 (hereinafter referred to as the “Act”) by ITO, Ward-3(1), Asansol dated 11.12.2019.

2. At the outset, we note that the assessment as well as appellate order has been framed ex parte as the assessee failed to appear on various dates of hearing during the respective proceedings before them. We observe that the AO has made two additions of Rs.21,04,839/- by applying G P rate of 8% as total receipt as shown by the assessee in P & L Account by invoking the provisions of section 44AA of the Act and the second addition made by the AO at Rs.84,00,500/- in respect of cash deposited into various bank accounts maintained by the assessee during the period of demonetization which has been added u/s. 68 of the Act as unexplained cash credit though the assessee’s books of account are audited and the assessee filed some information before the AO for non-attendance and AO made both the above decisions which were confirmed by the Ld. CIT(A) in the appellate proceedings.

3. The Ld. AR vehemently argued before us that the assessee may kindly be granted one more opportunity to present its case before the AO and in the interest of justice and fair play, the matter may be heard afresh after taking into account the merits of the case. Ld. DR opposed the request of the Ld. AR of the assessee.

4. After hearing both the parties and perusing the material available on record, we are of the view that the assessee should be afforded one more opportunity to present its case on merit before the AO. Accordingly, we set aside the order of the Ld. CIT(A) and revert the appeal to the file of the AO to decide the matter afresh after taking into account the evidence and after affording reasonable opportunity of hearing to the assessee. Appeal of the assessee is allowed for statistical purposes.

5. In the result, appeal of the assessee is allowed for statistical purposes.

Order is pronounced in the open court on 5th December, 2024

Sd/-
(Duvvuru R. L. Reddy)
Vice President

Sd/-
(Rajesh Kumar)
Accountant Member

Dated: 5th December, 2024

JD, Sr. PS

Copy of the order forwarded to:

1. Appellant–Muchhal Autolinkers Pvt. Ltd.
2. Respondent – ITO, Ward-3(1), Asansol
3. CIT(A), NFAC, Delhi
4. Pr. CIT
5. DR, ITAT, Kolkata,
True Copy

By Order

Assistant Registrar
ITAT, Kolkata Bench, Kolkata