

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

**Before Shri Inturi Rama Rao, Accountant Member
&
Shri Prakash Chand Yadav, Judicial Member**

ITA No.627/Coch/2023 : Asst.Year 2017-2018
&
SA No.212/Coch/2023

Sri.Thambi Sebastian PWD Contractor, Melattur Post Perinthalmann Taluk Malappuram - 679 326. PAN : ADOPT8528M	v.	The Income Tax Officer Circle 1 Tirur.
(Appellant)		(Respondent)

Appellant by : --- None ---
Respondent by : Smt.Leena Lal, Senior AR

Date of Hearing : 19.11.2024	Date of Pronouncement : 09.12.2024
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ORDER

Per Inturi Rama Rao, AM :

This appeal filed by the assessee along with stay application are directed against the order of the NFAC dated 2nd June, 2023 for the assessment year 2017-2018.

2. The assessee filed return of income for the assessment year 2017-2018 on 29th March, 2018 declaring total income of Rs.51,75,740. Against the said return of income, the assessment was completed by the Assessing Officer (AO) vide order dated 12.12.2019 u/s.143(3) of the Income-tax Act, 1961 at a total income of Rs.1,02,89,784. While doing

so the A.O. made addition of Rs.43,14,464 under the head “business income” by estimating the income in the business of execution of contract at 8% of the total receipts. The A.O. also made addition of Rs.7,99,580 being the difference of short term capital gains.

3. Being aggrieved, an appeal was filed before the CIT(A). However, the appeal was withdrawn during the course of the proceedings before the CIT(A). Accordingly, the appeal came to be dismissed by the CIT(A) vide the impugned order.

4. Being aggrieved, the assessee is in appeal before us in the present appeal.

5. We have carefully perused the grounds of appeal filed before us. When the case was called, none appeared on behalf of the assessee despite due service of notice. We find that the grounds of appeal raised does not emanate from the impugned order nor was of the case of the assessee that the contrary finding was recorded by the CIT(A) that the appeal was withdrawn by the assessee. Under the circumstances, we do not find any merit in the grounds raised by the assessee, and accordingly, the same is dismissed.

6. Since the quantum appeal is disposed of, the corresponding stay application filed by the assessee also dismissed as rendered infructuous.

7. In the result, the appeal as well as the stay application filed by the assessee are dismissed.

Order pronounced on this 09th day of December, 2024.

Sd/-
(Prakash Chand Yadav)
JUDICIAL MEMBER

Sd/-
(Inturi Rama Rao)
ACCOUNTANT MEMBER

Cochin; Dated : 09th December, 2024.
Devadas G*

Copy to :

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

Asst.Registrar/ITAT, Cochin