

**IN THE INCOME TAX APPELLATE TRIBUNAL,
'SMC' BENCH, KOLKATA**

Before Shri Duvvuru RL Reddy, Vice-President (KZ)

**I.T.A. No. 107/KOL/2023
Assessment Year: 2018-2019**

Bansal Foundation,.....Appellant
119, Park Street, 3rd Floor,
Kolkata-700016
[PAN:AADTB0630J]

-Vs.-

Income Tax Officer,.....Respondent
Ward-1(2), Exemption, Kolkata,
10B, Middleton Row, Kolkata-700071

Appearances by:

Ms. Puja Somani, Advocate, appeared on behalf of the assessee

Shri Nicholash Murmu, Addl. CIT, D.R., appeared on behalf of the Revenue

Date of concluding the hearing: November 13, 2024
Date of pronouncing the order: December 10, 2024

O R D E R

The present appeal is directed at the instance of assessee against the order of Id. Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi dated 29th December, 2022 passed for Assessment Year 2018-19.

2. Brief facts of the case are that the assessee is a Trust registered under section 12A of the Income Tax Act. Return of income for the assessment year 2018-19 was filed under section

139(1) of the Act declaring gross total income of Rs.2,59,042/-, which was assessed at Rs.26,50,000/-. Ld. ADIT, CPC, Bengaluru has made an adjustment of Rs.17,90,958/- under section 143(1) of the Act to the total income declared by not allowing deduction claimed of the said amount under section 11 of the Act being the amount applied during the previous year-Revenue Account. It appears that disallowance of eligible deduction claimed of Rs.17,90,958/- was due to the reason that audit report in Form 10B was not uploaded along with the return of income. On being aggrieved, the assessee preferred an appeal before the ld. CIT(Appeals).

3. The assessee did not appear before the ld. CIT(Appeals) inspite of repeated notices issued by him. Thereafter the ld. Commissioner (Appeals) had no other option except passing the order on merits based on the material available on record. The ld. CIT(Appeals) confirmed the addition made by the ld. Assessing Officer.

4. On being aggrieved, the assessee preferred an appeal before the Tribunal and pleaded for one more opportunity of being heard before the ld. CIT(Appeals).

5. It was the submission of the ld. D.R. that the ld. CIT(Appeals) has granted sufficient opportunities but assessee failed to appear before the ld. CIT(Appeals).

6. I have heard both the sides and perused the material available on record. Considering the facts and circumstances of the case, I am inclined to set aside the order passed by the Id. CIT(Appeals) in order to meet the principle of natural justice, and remit the matter back to the file of Id. CIT(Appeals) with a direction to provide one more opportunity of being heard to the assessee. At the same breath, I also hereby caution the assessee to promptly co-operate with the proceedings before the Ld. CIT(Appeals) failing which the Ld. CIT(Appeals) shall be at liberty to pass appropriate order in accordance with law and merits based on the materials available on the record. Thus, the grounds raised by the assessee are allowed for statistical purposes.

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

Order pronounced in the open Court on 10/12/2024.

Sd/-

(Duvvuru RL Reddy)
Vice-President (KZ)

Kolkata, the 10th day of December, 2024

- Copies to :* (1) *Bansal Foundation,*
119, Park Street, 3rd Floor,
Kolkata-700016
- (2) *Income Tax Officer,*
Ward-1(2), Exemption, Kolkata,
10B, Middleton Row, Kolkata-700071
- (3) *CIT(Appeal), NFAC, Delhi;*
- (4) *CIT - , Kolkata;*

- (5) *The Departmental Representative;*
(6) *Guard File*

TRUE COPY

By order

*Assistant Registrar,
Income Tax Appellate Tribunal,
Kolkata Benches, Kolkata*

Laha/Sr. P.S.