

IN THE INCOME TAX APPELLATE TRIBUNAL "A" BENCH, KOLKATA

**BEFORE SHRI RAJESH KUMAR, AM
AND
SHRI PRADIP KUMAR CHOUBEY, JM**

**ITA No.1924/KOL/2024
(Assessment Year:2014-15)**

Rajiv Ohri
1508 A, The Magnolias, DLF golf
Links, DLF Phase V, Golf Course
Road, Galleria DLF-IV, Gurgaon,
Haryana-122009

(Appellant)

Vs.

ACIT, Circle-62, Kolkata
Bamboo Villa, 169, A.J.C. Bose
Road, Kolkata, West Bengal,
Kolkata-700017

(Respondent)

PAN No. AAFP07001A

Assessee by : Shri Siddarth Agarwal, AR
Revenue by : Shri Subhendu Datta, DR

Date of hearing: 03.12.2024
Date of pronouncement : 16.12.2024

ORDER

Per Rajesh Kumar, AM:

This is an appeal preferred by the assessee against the order of the National Faceless Appeal Centre, Delhi (hereinafter referred to as the "Ld. CIT(A)") dated 16.07.2024 for the AY 2014-15.

02. The assessee has challenged the order of Id. CIT (A) on legal issue as well as in merit.
03. The legal issue raised by the assessee is against the *ex-parte* order passed by the Id. CIT (A) without affording reasonable opportunity of hearing, whereas the issue on merit are against the confirmation of

addition made in respect of computation of business income of ₹4,51,78,570/-, against the business loss of ₹48,39,233/- and confirmation of addition of ₹3,48,50,000/- u/s 69A of the Act as made by the Id. AO in respect of sale of property. The assessee has filed the application under Rule 46A of the Act for admission of additional evidences which are in the form of purchase deed, bank statements, breakup of purchase and sale transactions, statement of reflecting share transactions of MSE, Future & Options Transactions of Aditya Birla Money Ltd., Future & Options Transactions of India Bulls Securities Ltd. and various other documents, which are contained in paper book from page nos.68 to 155. The Id. Counsel for the assessee submitted that the examination and consideration of these documents are of paramount importance for fair and correct appreciation and adjudication of the issue. The Id. AR therefore, prayed that these additional evidences may be admitted and restored to the file of the Id. AO with a direction to decide it afresh after taking into account all these evidences.

04. The Id. DR on the other hand relied on the orders of the lower authorities.
05. After hearing the rival contentions and perusing the materials available on record including the evidences filed before us as additional evidence under Rule 46A of the Income Tax Rules, 1963 (the Rules), we are of the view that these evidences are very important for the correct assessment of income of the assessee. Accordingly, we admit these evidences and restore the appeal to the file of the Id. CIT (A) with a direction to decide the issue denovo after taking into account all the necessary documents/ evidences, and after

allowing a reasonable opportunity of being heard to the assessee. The appeal of the assessee is allowed for statistical purposes.

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

Order pronounced in the open court on 16.12.2024.

Sd/-
(PRADIP KUMAR CHOUBEY)
(JUDICIAL MEMBER)

Sd/-
(RAJESH KUMAR)
(ACCOUNTANT MEMBER)

Kolkata, Dated: 16.12.2024

Sudip Sarkar, Sr.PS

Copy of the Order forwarded to :

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

BY ORDER,

True Copy//

Sr. Private Secretary/ Asst. Registrar
Income Tax Appellate Tribunal, Kolkata