

आयकर अपीलीय अधिकरण, 'सी' न्यायपीठ, चेन्नई
**IN THE INCOME TAX APPELLATE TRIBUNAL
'C' BENCH, CHENNAI**

श्री जॉर्ज जॉर्ज के, उपाध्यक्ष एवं श्री जगदीश, लेखा सदस्य के समक्ष

**BEFORE SHRI GEORGE GEORGE K, VICE PRESIDENT AND
SHRI JAGADISH, ACCOUNTANT MEMBER**

आयकर अपील सं./ITA No.: 2733/CHNY/2024

निर्धारण वर्ष/Assessment Year: 2020-21

PA Footwear Pvt. Ltd.,
314/C, S R Kandigai Road,
Pappankuppam Village,
Gummidipoondi – 601 201.

**The Deputy Commissioner
of Income Tax,**
Circle 1, LTU,
Chennai.

PAN: AAACP 1923G

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से/Appellant by
प्रत्यर्थी की ओर से/Respondent by

: Shri S. Sridhar, Advocate
: Ms. Anitha, Addl.CIT

सुनवाई की तारीख/Date of Hearing

: 19.12.2024

घोषणा की तारीख/Date of Pronouncement

: 20.12.2024

आदेश / O R D E R

PER GEORGE GEORGE K, VICE PRESIDENT:

This appeal at the instance of the assessee is directed against CIT(A) - NFAC order dated 27.08.2024, passed under section 250 of the Income Tax Act, 1961 (hereinafter called 'the Act'). The relevant Assessment Year is 2020-21.

2. At the very outset, we notice that the CIT(A) has passed an ex-parte order. The reason for passing an ex-parte order is that

the assessee did not respond to the five notices issued from the office of the First Appellate Authority.

3. The Id.AR submitted that the assessee did not take note of the hearing notices issued from the office of the First Appellate Authority and hence, proceedings before the CIT(A) remained ex-parte. It was submitted that the AO has given only five days time to respond to the proposal for treating the MEIS incentive as income u/s.2(24)(xviii) of the Act. Hence, the necessary documents could not be furnished before the completion of the assessment order. Therefore, it was prayed in the interest of justice, the issues raised in this appeal may be restored to the files of the AO.

3. The Id.DR submitted that the assessee had furnished its e-mail id before the CIT(A) in Form No.35 and also before the Tribunal in Form No.36. It was submitted by the Id.DR that the assessee had failed to represent the case before the First Appellate Authority and there is no justifiable reason for the same. Therefore, it was submitted that the appeal of the assessee may be dismissed.

4. We have heard rival submissions and perused the material on record. The CIT(A) has passed ex-parte order since assessee had failed to respond to notices issued from the office of the First Appellate Authority. We notice that five hearing notices have been issued from the office of the First Appellate Authority. However, there was no response to the same till the CIT(A) passed the impugned order on 27.08.2024. The e-mail id for communication that was mentioned in the Form 35 furnished before the CIT(A) was the assessee's own e-mail id. The assessee does not have the case that it has not received any of the notices issued from the office of the First Appellate Authority. However, in the interest of justice and equity, we are of the view that the matter needs to be remanded for fresh consideration subject to payment of cost of Rs.5,000/- (rupees five thousand only) to be paid to Tamil Nadu State Legal Services Authority at the Hon'ble High Court of Madras within a month's time from the date of receipt of this order.

5. Since assessee was granted only five days time to respond to the proposal by the AO and assessee having not filed necessary evidence in support of its case, we deem it appropriate to restore the issue raised in this appeal to the files of the AO. The assessee shall furnish the receipt evidencing the payment of cost of

Rs.5,000/- before the AO. Accordingly, the matter is remitted to the files of the AO for fresh adjudication. The AO shall dispose the matter after affording reasonable opportunity of hearing to the assessee. The assessee is directed to co-operate with the Revenue and shall not seek unnecessary adjournment. It is ordered accordingly.

6. In the result, the appeal filed by the assessee is allowed for statistical purposes.

Order pronounced in the open court on 20th December, 2024 at Chennai.

Sd/-
(जगदीश)

(JAGADISH)

लेखा सदस्य/ACCOUNTANT MEMBER

चेन्नई/Chennai,

दिनांक/Dated, the 20th December, 2024

RSR

आदेश की प्रतिलिपि अग्रेषित/Copy to:

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकर आयुक्त /CIT, Chennai
4. विभागीय प्रतिनिधि/DR
5. गार्ड फाईल/GF.

Sd/-
(जॉर्ज जॉर्ज के)

(GEORGE GEORGE K)

उपाध्यक्ष /VICE PRESIDENT