

आयकर अपीलीय अधिकरण, हैदराबाद पीठ
IN THE INCOME TAX APPELLATE TRIBUNAL
Hyderabad 'B' Bench, Hyderabad

Before Shri Manjunatha G., Accountant Member
and
Shri K. Narasimha Chary, Judicial Member

आ.अपी.सं / **ITA No.1100/Hyd/2024**
(निर्धारण वर्ष/Assessment Year: 2021-22)

Skanda Infra Projects India Private Limited Kurnool [PAN : AAOCS8382G]	Vs.	Assistant Commissioner of Income Tax Central Circle-2(3) Hyderabad
(Appellant)		(Respondent)
आ.अपी.सं / ITA No.1101/Hyd/2024 (निर्धारण वर्ष/Assessment Year: 2021-22)		
Skanda Infra Projects Kurnool [PAN : ABSFS7237C]		Assistant Commissioner of Income Tax Central Circle-2(3) Hyderabad
(Appellant)		(Respondent)
आ.अपी.सं / ITA No.1102/Hyd/2024 (निर्धारण वर्ष/Assessment Year: 2021-22)		
Skanda Builders Kurnool [PAN : ACVFS8921M]		Assistant Commissioner of Income Tax Central Circle-2(3) Hyderabad
(Appellant)		(Respondent)
आ.अपी.सं / ITA No.1103-1104/Hyd/2024 (निर्धारण वर्ष/Assessment Year: 2020-21 & 2021-22)		
Skandhashi Developers Kurnool [PAN : ACVFS0892F]		Assistant Commissioner of Income Tax Central Circle-2(3) Hyderabad
(Appellant)		(Respondent)

आ.अपी.सं / ITA No.1105-1108/Hyd/2024 (निर्धारण वर्ष/Assessment Year: 2019-20 to 2022-23)	
Suresh Kumar Reddy Krishnapuram Kurnool [PAN :AJCPK7297G]	Assistant Commissioner of Income Tax Central Circle-2(3) Hyderabad
(Appellant)	(Respondent)
निर्धारिती द्वारा/Assessee by:	Shri P.Vinod, AR (through Hybrid mode)
राजस्व द्वारा/Revenue by:	Shri R.Kumaran, DR
सुनवाई की तारीख/Date of hearing:	17/12/2024
घोषणा की तारीख/Date of Pronouncement:	17/12/2024

आदेश / ORDER

PER. MANJUNATHA G., A.M:

These appeals filed by the different assessees are directed against the orders passed by the learned Commissioner of Income Tax (Appeals)-12 [Ld.CIT(A)], Hyderabad dated 28.08.2024, 26.08.2024, 27.08.2024 and pertains to A.Y.2019-20 to 2022-23. Since the facts are identical and issues are common, for the sake of convenience, these appeals filed by the assessees were heard together and are being disposed of by this consolidated order

ITA 1100/Hyd/2024 for the A.Y.2021-22.

2. The brief facts of the case are that the assessee is a part of Skandhanshi group of companies. A search and seizure operation u/s 132 of the Income tax Act, 1961 (“the Act”) was

conducted in the case of the assessee and its group concerns on 05.01.2022. Consequent to search, assessment has been completed u/s 143(3) of the Act on 27.06.2023 and determined the total income at Rs.60,64,567/-, by making addition towards estimation of income @14% on disclosed turnover and estimation of income @18% on suppressed receipts.

3. Being aggrieved by the assessment order, the assessee preferred an appeal before the CIT(A) and challenged the additions made by the Assessing Officer towards estimation of profit on disclosed turnover and undisclosed receipts. Before the Ld.CIT(A), in response to various notices, the assessee had filed detailed written submissions on the issue which has been reproduced at para 5, from pages 12 to 17 of the Ld.CIT(A) order. The assessee had also sought adjournment for the hearing, when the case was posted for hearing on 23.08.2024, but the Ld.CIT(A) rejected the adjournment petition and disposed off the appeal filed by the assessee, by following the decision of Hon'ble Supreme Court in the case of CIT Vs. B.N.Bhattacharjee and Another (10 CTR 354). The Ld.CIT(A) had also discussed the issue on merits on the basis of written submissions filed by the assessee and upheld the additions made by the Assessing Officer towards estimation of profit from business.

4. Aggrieved by the Ld.CIT(A) order, the assessee is now in appeal before the Tribunal.

5. The learned counsel for the assessee, Shri P.Vinod, referring to para 6.1 and 6.2 of the Ld.CIT(A) order submitted that, although the Ld.CIT(A) accepted the fact that the assessee has furnished replies, in response to various notices and also sought adjournment of hearing, when the case was posted for hearing on 23.08.2024, but rejected the adjournment petition filed by the assessee and dismissed the appeal on both counts, i.e. for non-prosecution and on merits. Further, although the Ld.CIT(A) claims to have decided the issue on merits, but detailed submissions given by the assessee in respect of additions made by the Assessing Officer have not been considered. Therefore, he submitted that to give one more opportunity of hearing to the assessee to explain its case, the matter may be remanded back to the file of the Ld.CIT(A) for reconsideration.

6. The Ld.DR on the other hand, supporting the order of the Ld.CIT(A), submitted that, it is a fact on record that the appellant has not furnished complete details in respect of various grounds raised in their appeal. Although the appellant has furnished certain details, but sought adjournment without any valid reasons. Therefore, the Ld.CIT(A) rightly rejected the adjournment petition filed by the assessee and decided the issue on the basis of material available on record. Therefore, he submitted that there is no need to give another opportunity to the assessee and thus, the order of the Ld.CIT(A) should be upheld.

7. We have heard both the parties, perused the material on record and gone through the orders of the authorities below. We have also considered various reasons given by the Ld.CIT(A) to reject the adjournment petition moved by the assessee and the reasons given for upholding the additions made by the Assessing Officer towards estimation of profit on disclosed turnover and undisclosed turnover. The Ld.CIT(A) rejected the adjournment petition filed by the assessee, without assigning any reasons and also applied the decision of Hon'ble Supreme Court in the case of CIT Vs. B.N.Bhattacharjee and Another (supra) and also the decision of ITAT, Delhi Benches in the case of CIT Vs. Multiplan (India) Pvt.Ltd (38 ITD 320) (Del.). But the fact remains that, the facts of the cases relied upon by the Ld.CIT(A) are not relevant in the present case, because, in those cases, the appellant not at all appeared before the authorities and filed details in support of their grounds of appeal. In the present case, the Ld.CIT(A) himself admitted the fact that the appellant has filed the details and further, sought adjournment for filing further details in support of their contentions. Therefore, the Ld.CIT(A), having noticed the fact that the appellant has valid reason for seeking adjournment, in our considered view, the Ld.CIT(A) ought not to have rejected the petition filed by the assessee and upheld the additions made by the Assessing Officer towards estimation of profit on turnover, without considering detailed written submissions filed by the assessee. Since the Ld.CIT(A) dismissed the appeal filed by the assessee for non-prosecution and also without discussing the issues on merits, in light of written submission filed by the assessee, in our considered view, the matter needs to go back to

the file of the Ld.CIT(A) for reconsideration of the issue. Thus, we set aside the order of the Ld.CIT(A) and restore the issue back to the file of the Ld.CIT(A) for reconsideration. The Ld.CIT(A) is directed to reconsider the appeal filed by the assessee and decide the issue on merits after providing another opportunity of hearing to the assessee. The assessee is also directed to file relevant evidences as and when the case is posted for hearing, without seeking any adjournment. Further, the assessee is also directed to pay a nominal cost of Rs.2,000/- per appeal for showing lethargic approach before the first appellate authority and pay the cost as directed by the Bench to the State Legal Aid Authority, Hon'ble High Court of Telangana and furnish relevant evidences to the Registry.

8. In the result, appeal filed by the assessee is allowed for statistical purpose.

ITA 1101/Hyd/2024 to 1108/Hyd/2024

9. The facts of the present cases in ITA No.1101/Hyd/2024 to 1108/Hyd/2024 and the issues involved are identical to the facts and issues which we had considered in ITA No.1100/Hyd/2024. The reasons given by us in preceding paragraph nos.7 and 8 shall mutatis and mutandis apply to these appeals, as well. Therefore, for similar reasons, we set aside the orders of the Ld.CIT(A) and restore the issue in all appeals to the file of Ld.CIT(A).

10. To sum up, appeals filed by the assessee for the A.Y.2019-20 to 2022-23 are allowed for statistical purpose.

Order pronounced in the Open Court on
17th December, 2024.

Sd/-

Sd/-

(K.NARASIMHA CHARY) JUDICIAL MEMBER	(MANJUNATHA G.) ACCOUNTANT MEMBER
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Hyderabad, Dated 17th December, 2024

L.Rama, SPS

Copy to:

S.No	Addresses
1	(i) M/s Skanda Indra Projects India Private Limited (i) M/s Skanda Builders (iii) M/s Skanda Infra Projects (iv) M/s Skandhanshi Developers, Skandhanshi Empire Beside CN Hospital, KNL-camp-BS0, Kurnool (v) Shri Suresh Kumar Reddy Krishnapuram, 96/3-10-2, Athulyam, Santosh Nagar, Behind Nexa showroom, Balaji Nagar, Kurnool
2.	The ACIT, Central Circle-2(3), Hyderabad
3.	The Pr.CIT, Hyderabad
4	The DR, ITAT Hyderabad Benches
5	Guard File

By Order