

आयकर अपीलीय अधिकरण, कोलकाता पीठ "ए", कोलकाता

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

श्री राजेश कुमार, लेखा सटस्य एवं श्री प्रदीप कुमार चौबे, न्यायिक सदस्य के समक्ष
[Before Shri Rajesh Kumar, Accountant Member & Shri Pradip Kumar Choubey, Judicial Member]

I.T.A. Nos. 1035 to 1040/Kol/2024
Assessment Years: 2010-11 & 2011-12

| | | |
|--|-----|--------------------------|
| Snowdrop Vincom Pvt. Ltd. (PAN: AAMCS 8992 E) | Vs. | ITO, Ward-10(1), Kolkata |
| Appellant / (अपीलार्थी) | | Respondent / प्रत्यर्थी |

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|---|---------------------------------------|
| Date of Hearing / सुनवाई की तिथि | 12.12.2024 |
| Date of Pronouncement/ आदेश उद्घोषणा की तिथि | 31.12.2024 |
| For the assessee / निर्धारिती की ओर से | Shri Miraj D Shah, A.R |
| For the revenue / राजस्व की ओर से | Shri Amuldeep Kaur, Addl. CIT Sr. D.R |

ORDER / आदेश

Per Pradip Kumar Choubey, JM:

All the appeals are preferred by the assessee against the separate order passed by the Ld. Commissioner of Income Tax (Appeals)-NFAC, Delhi (hereinafter referred to as the Ld. CIT(A)], dated 22.02.2024 & 23.02.2024 where in the Ld. CIT(A) confirmed the separate assessment orders passed u/s 147 read with section 144 of the Act dated 08.11.2016 and 18.10.2017 and u/s 271(1)(c) of the Act dated 26.04.2018 and

12.05.2017 for AY 2010-11 and 2011-12 respectively. Since the issues are common in all the appeals, hence are taken up together for disposal.

2. At the outset, the Ld. Counsel for the assessee submitted that there is a delay of 16 days in filing the appeal. The Ld. Counsel for the assessee filed a condonation petition which is reproduced as under:

SNOWDROP VINCOM PVT. LTD.

424/1, G. T. Road (North)
 Howrah – 711 101

CIN: U51900WB2009PTC133728

Date.....

Ref.....

To
 Hon'ble Members,
 Income Tax Appellant Tribunal
 Kolkata

PAN: AAMCS 8992 E

Reg: Snowdrop Vincom Pvt. Ltd.
Asst. year 2010-11

Sub: Prayer for Condonation of delay
in filing the appeal

Respected Sir,

Kindly refer to the appeal hereby filled. The order U/s 250 was received on 23/02/2024. The due date for filing of the appeal was 23/04/2024. However, due to sudden illness of senior family members of the director of the Company, he has to left for his native place and could return on 04/05/2024. The appeal is being filled immediately thereafter. However, this caused delay of 13 days in filing the appeal. We pray to kindly condone the delay of 13 days and admit the appeal filled for hearing.

Kindly condone the delay and oblige.

Thanking you,

Yours faithfully,

SNOWDROP VINCOM PRIVATE LIMITED
 DIRECTOR

On perusal of the condonation petition, we condone the delay and admit for hearing.

3. First of all we shall adjudicate the assessee's appeal in ITA Nos. 1035,1036,1038 and 1039/Kol/2024 for AY 2010-11 & 2011-12.

4. Brief facts of the case of the assessee are that the assessee is a company engaged in the business of investment and trading in shares, securities, bonds, loans and advances and other financial activities. The assessee filed its return of income declaring total income of Rs. 7,450/-. An assessment order u/s 144 read with Section 147 of the Act was passed on 08.11.2016 and AO added an amount of Rs. 1,78,50,000/- u/s 68 of the Act. Subsequently, one more assessment order u/s 144 read with Section 147 of the Act was passed by the AO on 18.10.2017 after making addition of Rs. 3,51,09,552/- u/s 69C of the Act. An assessment order passed by the AO u/s 144 read with Section 147 of the Act dated 21.12.2018 and 28.11.2016 the AO added an amount of Rs. 36,61,61,900/- and Rs. 5,28,23,495/- u/s 68 of the Act.

5. The said order has been challenged by the assessee before the Ld. CIT(A) by filing two appeals wherein the Ld. CIT(A) vide its order dated 22.02.2024 dismissed the appeal of the assessee on account of non-compliance by the assessee during appellate proceedings.

Being aggrieved and dissatisfied the assessee preferred the above four appeals.

6. The Ld. Counsel in stead of arguing into merit of the case has only submitted that the assessee has been given an opportunity to place his case before the AO as the order passed by the AO and the Ld. CIT(A) in absence of the assessee. The Ld. Counsel fairly submitted that the assessee has sufficient documentary evidences to substantiate his claim before the AO hence in the interest of justice the assessee has been given an opportunity to place his case before the AO.

7. The Ld. D.R supports the impugned order.

8. We have perused the order of AO and the Ld. CIT(A) find that the AO has passed the order in both assessment year in absence of the assessee as the assessee did not turn up in spite of issuing of notices u/s 148. We have also perused the order of Ld. CIT(A) and find that the appeals of the assessee have been dismissed as the assessee was remained non-compliant during appellate proceedings. Keeping in view the facts of the case and considering the submission made by the assessee, in the interest of justice we are inclined to give an opportunity to the assessee to place his case before the AO. Accordingly, the order passed by the AO confirmed by the Ld. CIT(A) are hereby set aside and record is restored in the file of AO. The AO is directed to pass the order afresh after hearing the assessee.

9. Now we shall adjudicate the assessee's penalty appeal in ITA No. 1037 & 1040/Kol/2024 for AY 2010-11 and 2011-12.

Issue raised in these appeal are similar to one as decided by us in above appeals i.e. ITA Nos. 1035, 1036,1038 & 1039/Kol/2024 for AY 2010-11 and 2011-12 as it has been passed in absence of the assessee, therefore, our decision in 1035, 1036,1038 & 1039/Kol/2024 for AY 2010-11 and 2011-12 would mutatis mutandis, apply to these appeals as well. Accordingly, the appeals of the assessee are allowed for statistical purposes. Above records are also restored in the file of A.O. to decide afresh.

In the result, all the appeals of the assessee are allowed for statistical purposes.

Order is pronounced in the open court on 31st December, 2024

Sd/-

Sd/-

(Rajesh Kumar/राजेश कुमार)
Accountant Member/लेखा सदस्य

(Pradip Kumar Choubey /प्रदीप कुमार चौबे)
Judicial Member/न्यायिक सदस्य

Dated: 31st December, 2024

SM, Sr. PS

Copy of the order forwarded to:

1. Appellant- Snowdrop Vincom Pvt. Ltd., 424/1, G.T. Road (North), Howrah-711101.
2. Respondent – ITO, Ward-10(1), Kolkata
3. Ld. CIT(A)-NFAC, Delhi
4. Ld. Pr. CIT- , Kolkata
5. DR, Kolkata Benches, Kolkata (sent through e-mail)

True Copy

By Order

Assistant Registrar
ITAT, Kolkata Benches, Kolkata