

आयकर अपीलीय अधिकरण, कोलकाता पीठ "ए", कोलकाता

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

श्री राजेशकुमार, 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. No. 621/Kol/2024
Assessment Year: 2017-18

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|--|-----|-------------------------|
| Naina Devi Commerce Pvt. Ltd. (PAN: AACCN 9537 E) | Vs. | ITO, Ward-6(3), Kolkata |
| Appellant / (अपीलार्थी) | | Respondent / प्रत्यर्थी |

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|---|-------------------------|
| Date of Hearing / सुनवाई की तिथि | 09.01.2025 |
| Date of Pronouncement/ आदेश उद्घोषणा की तिथि | 15.01.2025 |
| For the Appellant/ निर्धारिती की ओर से | Shri Manish Tiwari, A.R |
| For the Respondent/ राजस्व की ओर से | S. Datta, CITDR |

ORDER / आदेश

Per Rajesh Kumar, AM:

This is an appeal preferred by the assessee against the order of the Ld. Commissioner of Income Tax (Appeals)-NFAC, Delhi (hereinafter referred to as the "Ld. CIT(A)") dated 31.01.2024 for the AY 2017-18.

2. There are two issues in the present appeal, one is against the confirmation of addition of Rs. 48,58,090/- as made by the AO by making an addition @ 1% of total investments of Rs. 48,58,09,000/- which could not be verified and second is against the confirmation of addition of Rs. 5,52,46,800/- by the Ld. CIT(A) as made by the

AO on account of interest income on loan and advances which could not be verified due to non-compliance by the assessee.

3. After hearing the rival contentions and perusing the material on record, we find that the assessee was not compliant before the AO as well as before the Ld. CIT(A) and therefore orders by both the authorities below were passed without the merits of the case being taken into account as the assessee failed to show up on the various dates given by these parties. During the course of hearing, the Ld. Counsel prayed before us that the assessee could not appear before either of the authorities below due to reasons which were beyond the control of the assessee and therefore, in the interest of justice and fair play the assessee may kindly be given one more opportunity to present the case on merit before the AO. Accepting the prayers of the assessee, we are inclined to restore the appeal to the file of AO with the direction to decide the same after affording reasonable opportunity to the assessee. Simultaneously, we direct the assessee to co-operate in the set aside assessment proceedings.

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

Order is pronounced in the open court on 15th January, 2025

Sd/-

Sd/-

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

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

Dated: 15th January, 2025

SM, Sr. PS

Copy of the order forwarded to:

1. Appellant- Naina Devi Commerce Pvt. Ltd., 2, Khetra Das Kolkata, Bowbazar, S.O. Kolkata-700012
2. Respondent – ITO, Ward-6(3), 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