

आयकर अपीलीय अधिकरण, कोलकाता पीठ "बी", कोलकाता
IN THE INCOME TAX APPELLATE TRIBUNAL "B" BENCH: KOLKATA
श्री प्रदीप कुमार चौबे, न्यायिक सदस्य एवं श्री राकेश मिश्र, लेखा सटस्य के समक्ष
[Before Shri Pradip Kumar Choubey, Judicial Member & Shri Rakesh Mishra, Accountant Member]

I.T.A. No. 2151/Kol/2024
Assessment Year: 2017-18

North West Coal Co. Ltd. (PAN: AAACN 8310 K)	Vs.	ITO, Ward-1(1), Kolkata
Appellant / (अपीलार्थी)		Respondent / प्रत्यर्थी

Date of Hearing / सुनवाई की तिथि	23.12.2024
Date of Pronouncement/ आदेश उद्घोषणा की तिथि	17.01.2025
For the assessee / निर्धारिती की ओर से	Shri Manish Tiwari, A.R
For the revenue / राजस्व की ओर से	Shri Akhil Kumar, Sr. DR

ORDER / आदेश

Per Pradip Kumar Choubey, JM:

This is the appeal preferred by the assessee against order of Commissioner of Income Tax (Appeal)-NFAC, Delhi (hereinafter referred to as the Ld. CIT(A)] dated 29.08.2024 for AY 2017-18.

2. Brief facts of the case of the assessee is that the assessee company is engaged in the business of granting of loan and advances and trading in shares and securities. The

assessee has filed its return of income for AY 2017-18 declaring net taxable income of Rs. 56,131/-. Notice u/s 148 was issued , the assessee was given show cause notice, no reply received from the assessee. Accordingly, the AO has held that the assessee had nothing to sell and assessment has been done declaring total income of the assessee at Rs. 1,22,56,131/-.

3. The said order has been challenged by the assessee before the Ld. CIT(A) wherein the appeal of the assessee has been dismissed by holding that the assessee did not file any other evidences in support of the claims.

Being aggrieved and dissatisfied the assessee preferred an appeal before us.

4. The Ld. Counsel of the assessee challenges the impugned order thereby submitting that the Ld. CIT(A) did wrong in passing the order u/s 250 being ex-parte without going into the merits of the case. The Ld. Counsel submits that the assessee has to be given an opportunity to place all the documentary evidences before the Ld. CIT(A). The Ld. Counsel for the assessee filed the documentary evidences before us.

5. The Ld. D.R supports impugned order.

6. We have perused the order of Ld. CIT(A) and find that there was no reply on behalf of the assessee on the notices issued by the Ld. CIT(A) and as per the order of Ld. CIT(A) in spite of sufficient opportunity afforded to the assessee, the assessee did not file any reply. Accordingly, the appeal of the assessee has been dismissed. The contention of ld. Counsel of the assessee is that the assessee has to be given an opportunity to place his case before the Ld. CIT(A). The Ld. Counsel for the assessee filed following documents before us:

i) copy of audited balance sheet and profit and loss account.

ii) Copy of ledger and confirmation of action of Good Point Real Estate Pvt. Ltd. in the books of assessee company for the period from 01.04.2016 to 31.03.2017.

7. In the interest of justice, we are inclined to give an opportunity to the assessee to place its case before the Ld. CIT(A) as the order passed by the Ld. CIT(A) is an ex-parte order. Accordingly, the record of the assessee is hereby restored in the file of Ld. CIT(A) for fresh adjudication by giving an opportunity to place the documents in support of his case.

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

Order is pronounced in the open court on 17th January, 2025

Sd/-

Sd/-

(Rakesh Mishra/राकेश मिश्र)

(Pradip Kumar Choubey /प्रदीप कुमार चौबे)

Accountant Member/लेखा सदस्य

Judicial Member/न्यायिक सदस्य

Dated: 17th January, 2025

SM, Sr. PS

Copy of the order forwarded to:

1. Appellant- North West Coal Co. Ltd., 15, Canal East Road, Ultadanga, Kolkata-700067
2. Respondent – ITO, Ward-1(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