

**IN THE INCOME TAX APPELLATE TRIBUNAL,
DELHI BENCH: 'G' NEW DELHI**

**BEFORE SHRI ANUBHAV SHARMA, JUDICIAL MEMBER
AND SHRI MANISH AGARWAL, ACCOUNTANT MEMBER**

**ITA No. 3429/Del/2024
Assessment Year: 2016-17**

DCIT, Delhi	Vs.	SAR Educational Society, A-283 Ist Floor, OKHLA INDUSTRIAL AREA, PH-1, New Delhi PIN: 1100 20
PAN :AADTS1441C		
(Appellant)		(Respondent)

Department by	Shari Sahil Kumar Bansal, Sr. DR
Assessee by	N o n e

Date of hearing	06.02.2025
Date of pronouncement	19.02.2025

ORDER

PER ANUBHAV SHARMA: JUDICIAL MEMBER

This appeal by the Revenue is directed against the order dated 05.06.2024 of the Commissioner of Income Tax (Appeals)/National Faceless Assessment Centre (NFAC), Delhi [hereinafter referred to as "CIT(A)"] pertaining to assessment year 2016-17 and arises out of the assessment order dated

13.12.2018 under section 144 of the Income Tax Act, 1961 [hereinafter referred as 'the Act'].

2. At the time of hearing, none has appeared for the assessee inspite of repeated notices.

3. The Revenue is in appeal raising following grounds:

“A) On the facts and in circumstances of the case and in law, the Ld. CIT(A) has erred in ignoring that that all the notices/letters including SCN were issued through e-mail und sent to the registered address of the assessee through Speed Post. However, the assessee has not made any compliance to the notices/letters:

B) On the facts and in circumstances of the case and in law, the Ld. CIT(A) has erred in ignoring that, the AO in assessment order has categorically mentioned that considering the details of proceedings mentioned above and utter disregard to the notices issued under the provisions of the Act by the assessee, It is evident that the assessee is willfully not participating in the assessment proceedings despite having the full knowledge thereof.

C) On the facts and in circumstances of the case und in law, the Ld. CIT(A) has erred in ignoring that the assessment order passed u/s 144 of the Act was served through mail and speed post on the same communication address on which earlier notices were sent. However, this time the assessee has responded to the order and filed appeal. This also strengthens the fact that the assessee was willfully not participating in the assessment proceedings despite having full knowledge thereof.

D) On the facts and in circumstances of the case and in law, the Ld. CIT(A) has erred in ignoring that during the appeal proceedings the assessee has submitted reasons as to why the

evidences could not be filed in the assessment proceedings stating that all notices were sent electronically and the assessee was not aware that all notices are issued vent only electronically The contention of the assessee is devoid of any merit because all the notices were issued through e-mail and also sent to registered address of the assessee by speed post.

E) On the facts and in circumstances of the case and in law, the Ld. CIT(A) has erred in ignoring that, the additional evidences under Rule 46A were forwarded to this office on 01.10.2019 seeking remand report. However, the same is not available on record. After the appellate proceedings were converted to faceless mode, the reminders have been issued by the CITIA), NFAC on various dates but the additional evidences were not forwarded to offer comment.

F) On the facts and in circumstances of the case and in law, the Ld. CIT(A) has erred in ignoring that as the bills, vouchers, ledger or other documents submitted by the assessee needs further verification on the ground of genuineness and correctness to be allowed as expenses as per the provisions of the Act.

G) The appellant craves leave to add, to alter or amend any grounds of appeal raise above at the time of hearing.”

4. Arguing on the grounds as raised, the Learned DR has submitted that Ld. CIT(Appeals) has accepted the additional evidences without calling for report from the Assessing Officer.

5. We have considered the material available on record and the basic facts are that Assessing Officer had allowed the claim of revenue

expenses to the extent of 50% as against 100% claimed by the assessee under Sections 11 and 12 of the Act. Assessing Officer had also disallowed capital expenses with regard to purchase of fixed assets. Further, Assessing Officer had excluded corpus donation and treated certain donations as anonymous. Assessing Officer had also proposed cancellation of registration under Section 12AA(3) and 12AA(4) of the Act. Ld. CIT(Appeals) had taken into consideration the additional evidences and a remand report was also called. It is mentioned in the impugned order that inspite of repeated reminders, the remand report was not received by the NFAC. Relying on evidences as submitted, the assessee was benefitted by holding that assessee has been maintaining regular and proper accounts duly audited. It is mentioned that all expenses disputed by the Assessing Officer were accepted in the preceding assessment years. Ld. CIT(Appeals) has observed that all the copies of bills and vouchers of fixed assets purchased during the year along with depreciation claimed were provided as additional evidences. As a matter of fact, it was observed that the assessee had not received any corpus donation during the year and there were no anonymous donation. The

assessee's claim for challenging cancellation of registration was not adjudicated observing the same is beyond the jurisdiction.

6. In the light of aforesaid facts as discussed, we are of the considered view that the grounds of challenge have no substance. **The appeal of Revenue is dismissed.**

Order pronounced in the open court on 19.02.2025.

Sd/- (MANISH AGARWAL)
ACCOUNTANT MEMBRE

Sd/- (ANUBHAV SHARMA)
JUDICIAL MEMBER

Dated: 19th February, 2025
Mohan Lal

Copy forwarded to:

1. Applicant
2. Respondent
3. CIT
4. CIT(A)
5. DR

Asst. Registrar, ITAT, New Delhi