

IN THE INCOME TAX APPELLATE TRIBUNAL
NAGPUR BENCH, NAGPUR

BEFORE SHRI V. DURGA RAO, JUDICIAL MEMBER AND
SHRI K.M. ROY, ACCOUNTANT, MEMBER

ITA no.9 and 10/Nag./2025
(Assessment Year : 2018-19 and 2022-23)

Anand Distilleries Pvt. Ltd.
1st Floor, Above Moninos Outlet
Opp. Dasherai Maidan, Badnera Road
Amravati 444 601 PAN – AADCA6029K

..... Appellant

v/s

Income Tax Officer
Ward-3, Amravati

..... Respondent

Assessee by : Shri Himesh Demle
Revenue by : Shri Sandipkumar Salunke

Date of Hearing – 17/02/2025

Date of Order – 25/02/2025

ORDER

PER V. DURGA RAO, J.M.

These appeals by the assessee are emanating from the impugned orders of even date 13/11/2024, passed by the learned Commissioner of Income Tax (Appeals), National Faceless Appeal Centre, Delhi, [“learned CIT(A)”], for the assessment year 2018-19 and 2022-23 respectively.

2. We noticed that the assessee did not appear before the learned CIT(A) during the appellate proceedings which resulted in passing ex-parte orders by dismissing the appeals of the assessee. The relevant findings of the learned CIT(A), in both the appeals being common, is extracted below for ready reference:-

"It can be safely presumed that the appellant is not interested in pursuing his appeal. Therefore, the undersigned sees no reason to interfere with the orders of the Assessing Officer. Thus, the appeal raised by the appellant is dismissed.

3. Before us, during the course of hearing, learned Authorised Representative, Shri Demble, appearing for the assessee, admitting the lapse on the part of the assessee for not responding to the explanation sought by the learned CIT(A). The learned Authorised Representative for the assessee filed applications in both the appeals with a request for adjournment. The reason behind adjournment is – *"certain documents are yet to be complied.* Hence he sought adjournment. However, he pleaded that if this Court grants the assessee one opportunity by restoring this appeal to the file of the learned CIT(A), so that the assessee is able to substantiate its case before the him. Therefore, he prayed that the appeal be restored to the file of the learned CIT(A).

4. On the other hand, the learned D.R. submitted that despite the learned CIT(A) provided sufficient opportunities to the assessee, however, the assessee did not appear before the learned CIT(A) and not furnished relevant details. He strongly supported the orders passed by the learned CIT(A).

5. We have heard both the learned Counsel appearing for the parties, perused the materials available on record and gone through orders of the authorities below. At the very outset, the adjournment applications filed by the learned Authorised Representative for the assessee seeking adjournment for the reason stated above, we out-rightly reject these applications for adjournment, as, it appears that the assessee is carrying a negligent attitude

in dealing with the cases before the authorities below, even before us also. We further find that though learned CIT(A) granted several opportunities to the assessee to substantiate its case, ultimately, the order passed by him is an ex-parte order. Therefore, we are of the opinion that by following the principles of natural justice, one opportunity should be given to the assessee to substantiate the case before the learned CIT(A).

6. Given the assessee's pattern of non-compliance and procedural delays, we deem it appropriate to impose a cost on the assessee of ₹ 15,000 (Rupees Fifteen Thousand Only) for each appeal aggregating to ₹ 30,000, payable to the Maharashtra State Legal Services Authority and produce evidence of payment before the learned CIT(A). This cost underscores the importance of adhering to procedural requirements and timely compliance during assessment and appellate proceedings.

7. In view of the above, the impugned orders passed by the learned CIT(A) for both the assessment years under consideration are set aside and restore the appeals to the file of the learned CIT(A) and direct him to adjudicate the appeals afresh on merit and in accordance with law after providing reasonable opportunity of being heard to the assessee, subject to the condition that the assessee produces evidence of making payment of cost as stated above. It is also directed that the assessee should not seek adjournment without there being a justified reason. Accordingly, all the grounds raised by the assessee in this appeal are allowed for statistical purposes.

8. In the result, assessee's appeals for A.Y. 2018-19 and 2022-23 are allowed, but only for statistical purposes.

Order pronounced in the open Court on 25/02/2025

Sd/-
K.M. ROY
ACCOUNTANT MEMBER

Sd/-
V. DURGA RAO
JUDICIAL MEMBER

NAGPUR, DATED: 25/02/2025

Copy of the order forwarded to:

- (1) The Assessee;
- (2) The Revenue;
- (3) The PCIT / CIT (Judicial);
- (4) The DR, ITAT, Nagpur; and
- (5) Guard file.

Pradeep J. Chowdhury
Sr. Private Secretary

True Copy
By Order

Sr. Private Secretary
ITAT, Nagpur