

**IN THE INCOME-TAX APPELLATE TRIBUNAL, SURAT BENCH, SURAT  
BEFORE SHRI PAWAN SINGH, JUDICIAL MEMBER &  
SHRI BIJAYANANDA PRUSETH, ACCOUNTANT MEMBER**

**आयकर अपील सं./ITA No.841/SRT/2024**

**Assessment Year: (2018-19)**

**(Physical court hearing)**

Kamakshi Diamonds Pvt. Ltd. Office No.203, 2 <sup>nd</sup> Floor Panchratna Apartment, Dalgrya Sheri, Mahindrapura, Surat-395 003	<b>बनाम/ Vs.</b>	Income Tax Officer, Ward- 1(1)(3), Surat, Aaykar Bhawan, Majura Gate, Opp. New Civil Hospital, Surat-395 001
<b>स्थायी लेखासं./जीआइआरसं./PAN/GIR No: AAECK 0477 A</b>		
<b>(अपीलार्थी/Appellant)</b>		<b>(प्रत्यर्थी/Respondent)</b>

<b>निर्धारिती की ओर से /Appellant by</b>	None
<b>राजस्व की ओर से /Respondent by</b>	Shri Ritesh Mishra, CIT-DR
<b>सुनवाई की तारीख/Date of Hearing</b>	10/03/2025
<b>उद्घोषणा की तारीख/Date of Pronouncement</b>	13/03/2025

**आदेश / ORDER**

**PER BIJAYANANDA PRUSETH, AM:**

This appeal by the assessee emanates from the order passed under section 250 of the Income-tax Act, 1961 (in short, 'the Act') dated 02.07.2024 by the CIT(Appeals)/National Faceless Appeal Centre, Delhi [in short 'the CIT(A)'] for the assessment year (AY) 2018-19, which in turn arises out of assessment order passed by Assessing Officer (in short 'AO') u/s 147 r.w.s. 144B of the Act dated 25.03.2023. Grounds of appeal raised by the assessee are as under:

*"1. Whether on the facts and circumstances of the case, the Hon'ble CIT(A) was justified in upholding the addition made by the learned AO to the tune of*

*Rs.3,23,84,926/- on account of alleged bogus sale made by the appellant which was duly forming part of the audited books of account of the appellant.*

*2. Whether on the facts and circumstances of the case, the Hon'ble CIT(A) was justified in upholding the addition made by the learned AO to the tune of Rs.1,21,696/- being 4% of the alleged bogus purchases made by the appellant.*

*3. Appellant craves leave to add, alter modify or delete any ground(s) either before or during the course of appellate hearing."*

2. The brief facts of the case are that assessee filed its return of income for A.Y 2018-19 on 28.10.2018 declaring income of Rs.70,400/-. The AO noticed that the assessee had transactions with M/s Sangam Diamonds Pvt. Ltd. for an amount of Rs.3,23,84,926/-. After verification of various bank accounts of the above entity, the AO concluded that the said concern had no real business activities and it was only an entry provider. Similarly, M/s Antique Exem. Pvt. Ltd. was also operating as a conduit for sending money abroad. The assessee had carried out bogus transactions with these parties to the extent of Rs.3,54,27,318/-. After following the due procedure, the case was reopened and notice u/s 148 was issued on 31.03.2022, in response to which assessee filed return of income on 16.04.2022. Thereafter, various statutory notices and show cause notice were issued to the assessee and after considering reply of the assessee, AO added Rs.3,23,84,926/- u/s 68 towards bogus sales and Rs.1,21,696/- being profit on purchases from local unregistered dealers. The total income was determined at Rs.3,25,77,022/- u/s 147 r.w.s. 144B of the Act

as against returned income of Rs.70,400/-. Aggrieved, assessee filed appeal before CIT(A), who issued a notice on 08.05.2024 which was not complied with by the assessee. A reminder was issued on 27.05.2024 in response to which assessee requested for adjournment. The case was adjourned to 19.06.2024 but none appeared on the appointed date. In view of the above, the CIT(A) upheld the action of AO and dismissed the grounds taken up by the assessee.

3. Aggrieved by the order of CIT(A), assessee has filed present appeal before Tribunal. The case was fixed for hearing on 05.12.2024, 18.02.2025 and 10.03.2025. None appeared on behalf of the appellant on 05.12.2024 but, on the written request of the Ld.AR of the assessee, case was adjourned to 18.02.2025. At the request of the Ld. AR, the case was again adjourned to 10.03.2025. However, none appeared for the assessee on 10.03.2025. It is, thus, clear that despite giving adequate opportunity of being heard, the assessee has not appeared and pursued its appeal.

5. On the other hand, Ld.CIT-DR for the Revenue supported the orders of lower authorities.

4. We have considered facts of the case and the submission of Ld.CIT-DR. We have also carefully perused the orders AO and CIT(A), statement of facts and grounds of appeal. As stated earlier, the hearings were posted on three occasions, *i.e.*, 05.12.2024, 18.02.2025 and 10.03.2025. The assessee requested for adjournment on 05.12.2024 and 18.02.2025. The request was

acceded to and case was finally adjourned to 10.03.2025. However, none appeared on behalf of assessee nor any application for adjournment was filed on 10.03.2025. It is, therefore, clear that appellant is not interested in prosecuting the appeal. The Hon'ble Bombay High Court in case of M/s Chemipol vs. Union of India and Commission of Central Excise, Thane in case of Central Excise Appeal No.62 of 2009 dated 17.09.2009, after referring to the decisions of Hon'ble Supreme Court in case of Sunderlal Mannalal vs. Nandramdas Dwarkadas AIR 1958 MP 260, Dr. P. Nalla Thampy Thera vs. B.L. Shankar 1984 (Supp) SCC, 631 and New India Assurance Co. Ltd. vs. R. Srinivasan (2000) 3 SCC 242 held that every court and tribunal has an inherent power to dismiss a proceeding for non-prosecution when the petitioner/appellant before it does not wish to prosecute the proceedings. In the present appeal, the appellant has been non-compliant before the CIT(A) as well as the Tribunal. No useful purpose will be served in prolonging proceedings before the Tribunal. In view of the facts narrated above and the precedents cited supra, appeal of the assessee is dismissed.

5. In the result, appeal of the assessee is dismissed.

Order is pronounced on 13/03/2025 in the open court.

Sd/-

(PAWAN SINGH)

न्यायिक सदस्य/JUDICIAL MEMBER

सूरत /Surat

दिनांक/ Date: 13/03/2025

Dkp Outsourcing Sr.P.S\*

Sd/-

(BIJAYANANDA PRUSETH)

लेखा सदस्य/ ACCOUNTANT MEMBER

आदेश की प्रतिलिपि अद्योषित/ Copy of the order forwarded to :

- अपीलार्थी/ The Appellant
- प्रत्यर्थी/ The Respondent
- आयकर आयुक्त/ CIT
- आयकर आयुक्त (अपील)/ The CIT(A)
- विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, सूरत/ DR, ITAT, SURAT
- गार्ड फाईल/ Guard File

By order/आदेश से,

सहायक पंजीकार  
आयकर अपीलीय अधिकरण, सूरत