

**THE INCOME TAX APPELLATE TRIBUNAL  
DEHRADUN BENCH "SMC", NEW DELHI  
BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL  
MEMBER AND  
SHRI M. BALAGANESH, ACCOUNTANT MEMBER**  
(Through Video Conferencing)

**ITA No. 27/DDN/2022**  
(Assessment Year: 2017-18)

Nabh Construction and Developers Pvt. Ltd, Thalwal Complex, Dhalwala, Post Munikireti-249137 (Appellant)	Vs.	ACIT, Circle-1(4)(1), Rishikesh (Respondent)
<b>PAN: AADCN7045A</b>		

Assessee by :	Shri K. K. Juneja, Adv
Revenue by:	Shri Amarpal Singh, Sr. DR
Date of Hearing	21/03/2025
Date of pronouncement	09/04/2025

O R D E R

**PER M. BALAGANESH, A. M.:**

1. The appeal in ITA No. 27/DDN/2024 for AY 2017-18, arises out of the order of the National Faceless Appeal Centre (NFAC), Delhi [hereinafter referred to as 'ld. NFAC', in short] in ITBA/NFAC/S/250/2021-22/1040862987(1) dated 16.03.2022 against the order of assessment passed u/s 143(3) of the Income-tax Act, 1961 (hereinafter referred to as 'the Act') dated 09.12.2019 by the Assessing Officer, ACIT, Circle-1(4)(1), Rishikesh (hereinafter referred to as 'ld. AO').
2. The assessee has raised the following grounds of appeal before us:-

*"1. Because the AO was not justified the addition of Rs. 32,42,175/- only which was related to outstanding payment of workers.*

*2. Because the AO was also not justified the addition of Rs. 27,40,268/- only which was related to expenditure toward temporary labour huts at various sites and labours meal expenses provided by the assessee.*

*3. Because the AO was further not justified the addition of Rs. 50,80,301/- only which was related to the outstanding credit balances of the Creditors.*

3. We have heard the rival submission and perused the material available on record. The assessee is a private limited company engaged in the business of civil construction work with Govt department and was also doing the business of trading. The return of income for AY 2017-18 was filed by the assessee company on 18.09.2017 declaring total income of Rs. 51,01,150/-. The assessee filed the tax audit report in Form 3CA and Form 3CD along with its annexures before the Id AO. The scrutiny assessment was completed u/s 143(3) of the Act on 09.12.2019 determining the total income of the assessee at Rs. 1,61,64,494/- after making the following additions:-

- a. Addition towards current liabilities on account of outstanding wages payable:- Rs. 32,42,775/-
- b. Disallowances of hospitality of expenses u/s 37(1) of the Act- Rs. 27,40,268/-
- c. Addition towards sundry creditors having balance more than 5 lakhs- Rs. 50,80,301/-

4. The said assessment was upheld by the NFAC. The Id AR before us prayed for one more opportunity to be given to the assessee so that the entire details could be placed before the Id CIT(A). He also placed on record the various documents in the paper book together with confirmation from certain parties in the paper book. No serious objections were raised by the Id DR before us for restoration of this appeal to the file of the Id AO. Considering the same, we deem it fit and appropriate to restore this appeal

to the file of the Id CIT(A) for de novo adjudication in accordance with law. The assessee is at liberty to file additional grounds, if any, and additional evidences, if any, in support of its contentions. The Id CIT(A) is directed to admit those evidences and pass an order considering those evidences, uninfluenced by observations made earlier by his/her predecessor. Accordingly, grounds raised by the assessee are allowed for statistical purposes.

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

Order pronounced in the open court on 09/04/2025.

-Sd/-

**(SATBEER SINGH GODARA)**  
**JUDICIAL MEMBER**

-Sd/-

**(M. BALAGANESH)**  
**ACCOUNTANT MEMBER**

Dated: 09/04/2025  
A K Keot

Copy forwarded to

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

ASSISTANT REGISTRAR  
ITAT, New Delhi