

IN THE INCOME TAX APPELLATE TRIBUNAL "SMC" BENCH, KOLKATA

BEFORE SHRI RAJESH KUMAR, AM

ITA No.771/KOL/2023

(Assessment Year:2011-12)

Shivbhumi Traders Pvt. Ltd.
2E, Cornfield Road, Golpark,
Kolkata, West Bengal, 700019

Vs.

ITO,Wd-12(1), Kolkata
Aayakar Bhawan, P-7,
Chowringhee Square, Kolkata,
West Bengal, 700069

(Appellant)

(Respondent)

PAN No. AAOCS1697L

Assessee by : Shri Sunil Surana, AR
Revenue by : Shri Madhumita Das, DR

Date of hearing: 16.04.2025
Date of pronouncement : 21.04.2025

ORDER

Per Rajesh Kumar, AM:

This is an appeal preferred by the assessee against the order of the National Faceless Appeal Centre, Delhi (hereinafter referred to as the "Ld. CIT(A)") dated 21.06.2023 for the AY 2011-12.

02. The Id. Counsel for the assessee at the outset submitted that in this case the directors of the assessee company as well as the directors of the subscribing company could not be produced before the Id. AO in compliance to summons issued u/s 131 of the Act and that was the sole reason for making the addition. The Id. Counsel for the assessee has undertaken to produce these directors before the Id. AO if the issue is restored to the file of the Id. Assessing Officer.
03. The Id. DR on the other hand relied on the order of the authorities below.
04. After hearing the rival contentions and perusing the materials available on record, we find that the addition was made primarily on

the basis of non-compliance by the assessee to summon u/s 131 of the Act in not producing the director of the assessee company as well as of the subscribing company. Since, the assessee has prayed before the Bench to restore this issue to the file of the Id. AO and has undertaken to produce the directors to make necessary compliances. Accordingly, we restore this issue to the file of the Id. AO with a direction to examine the directors of the assessee company as well as of the subscribing company and decide the issue denovo based on the statements after taking into account any other evidences which the assessee may produce in setting aside proceeding.

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

Order pronounced in the open court on 21.04.2025.

Sd/-
(RAJESH KUMAR)
(ACCOUNTANT MEMBER)

Kolkata, Dated: 21.04.2025

Sudip Sarkar, Sr.PS

Copy of the Order forwarded to :

1. The Appellant
2. The Respondent
3. CIT
4. DR, ITAT,
5. Guard file.

BY ORDER,

True Copy//

Sr. Private Secretary/ Asst. Registrar
Income Tax Appellate Tribunal, Kolkata