

**IN THE INCOME TAX APPELLATE TRIBUNAL DELHI
(DELHI BENCH 'G' NEW DELHI)**

**BEFORE SHRI M. BALAGANESH, ACCOUNTANT MEMBER
AND
SH. YOGESH KUMAR U.S., JUDICIAL MEMBER
ITA No. 6235/Del/2015 (A.Y. 2012-13)**

DCIT Central Circle- 18, room No. 102, ARA Centre, E-2, Jhandewalan Extension, New Delhi	Vs.	Ganpati Fincap Pvt. Ltd. 2-D, MIG DDA Flats, Gulabi Bagh New Delhi PAN: AAACG3466H
Appellant		Respondent

Assessee by	Dr. Rakesh Gupta, Advocate and Sh. Deepesh Garg, Advocate
Revenue by	Sh. Mahesh Kumar, CIT(DR)
Date of Hearing	28/04/2025
Date of Pronouncement	30/04/2025

ORDER

PER YOGESH KUMAR, U.S. JM:

This appeal is filed by the Department of Revenue against the order of the Commissioner of Income Tax (Appeals),-27, New Delhi ('Ld. CIT(A)' for short) dated 28/09/2015 for the Assessment Year 2012-13.

2. Brief facts of the case as mentioned in the order of the Ld. CIT(A) are as under:-

"2. The brief facts of the case, as culled out from the assessment order, are That appellant is a private limited company incorporated

on 9th Jan, 1996 and, has its registered office at 2-D, MIG, DDA Flats, Gulabi Bagh, New Delhi-110007. That for the captioned assessment year 2012-13, the appellant company had filed return of income on 29.10.2013 declaring an income of Rs.33,06,787/-. The return of income dated 29.10.2013 was duly filed along with Audit Report, Balance Sheet, Profit & Loss Account for the financial year 2011-12. The case was selected for scrutiny and the learned AO issued notice u/s 143(2) of the Act on 26.07.2014. The impugned assessment order was passed on 02nd March, 2015 on an income of Rs.2,40,65,672/- wherein following addition was made:-

*(a) Unexplained expenditure claimed Rs. 12,02,279/-
in the P & L account*

(b) Unexplained Deposits Rs. 1,95,56,696/-.”

3. Aggrieved by the assessment order dated 05/03/2015, the Assessee preferred an Appeal before the Ld. CIT(A). The Ld. CIT(A) vide order dated 28/09/2015, allowed the Appeal of the Assessee by deleting the total addition of Rs. 1,95,56,696/-. As against the order of the Ld. CIT(A) dated 28/09/2015, the Department of Revenue preferred the present Appeal.

4. The Ld. Departmental Representative vehemently submitted that the order of the Ld. CIT(A) is a cryptic, wherein the Ld. CIT(A) completely ignored the fact that the Assessee has made incomplete and inadequate submissions and has not proved the creditworthiness of the parties from which investment/deposits were made. Further submitted that, the Ld. CIT(A) has erred in deleting the additions made by the A.O. thus, the Ld.

Departmental Representative relying on the assessment order sought for reversing the findings and the conclusion of the Ld. CIT(A).

5. Per contra, the Ld. Assessee's Representative fairly submitted that the order of the Ld. CIT(A) is not well reasoned and accordingly sought for remanding the matter to the file of the Ld. CIT(A) for adjudicating the Appeal afresh.

6. We have heard both the parties and perused the material available on record. It is seen from the order of the Ld. CIT(A), while deleting the additions, the Ld. CIT(A) has not assigned any reason and in a cryptic manner, deleted the additions. Considering the fact that the Ld. CIT(A) has not passed speaking order, we deem it fit to restore the appeal to the file of the Ld. CIT(A) to decide the issues involved in the Appeal afresh in accordance with law. Needless to say, the Assessee shall be provided with opportunity of being heard.

7. In the result the Appeal of the Revenue is partly allowed for statistical purpose.

Order pronounced in the open court on 30th April , 2025

Sd/-
(M. BALAGANESH)
ACCOUNTANT MEMBER

Date:- 30.04.2025
R.N, Sr.P.S*

Sd/-
(YOGESH KUMAR U.S.)
JUDICIAL MEMBER

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

ASSISTANT REGISTRAR
ITAT, NEW DELHI