

IN THE INCOME TAX APPELLATE TRIBUNAL

DELHI BENCH "B", NEW DELHI

BEFORE SHRI SHAMIM YAHYA, ACCOUNTANT MEMBER,

AND

SHRI VIMAL KUMAR, JUDICIAL MEMBER

	ITA NO. 5742/DEL/2024	
	A.YR. : 2018-19	
DHANSHREE SOFTECH PRIVATE LIMITED, 59, Top Floor, Vijay Block, Laxmi Nagar, Delhi – 110 092 (PAN: AACCD9596M) (APPELLANT)	VS.	INCOME TAX OFFICER, WARD 7(1), DELHI (RESPONDENT)

Appellant by : Sh. Mukul Gupta, Adv.

Respondent by : Shri Rajesh Kumar Dhanesta, Sr. DR.

Date of hearing : 05.05.2025

Date of pronouncement : 05.05.2025

ORDER

PER SHAMIM YAHYA, AM :

This appeal has been filed by the Assessee against the Order of the Ld.

CIT(A)/NFAC, Delhi relating to assessment year 2018-19.

2. Brief facts of the case are that the assessee company has received unexplained credit entries of Rs. 71,41,900/- in its bank account during the financial year 2017-18 whereas on perusal of income tax return filed for AY 2017-18 a& 2018-19, it was noted that assessee company has shown income of Rs. NIL and cash and cash equivalent at Rs. 26,700/- in previous year which does not support huge transaction made during the year. AO noted that assessee has failed to furnish the documentary evidence in respect of sources of these deposits with Equitas Bank, hence, the said credit entries with bank amounting to Rs. 71,41,900/- remain unexplained and deserve to be added in to the total income of the assessee company. Hence, AO added the same in the hands of the assessee by passing an exparte order u/s. 144B of the Act. Upon assessee's appeal, Ld. CIT(A) dismissed the appeal on account of non-prosecution. Against the aforesaid action of the Ld. CIT(A), assessee is in appeal before us.

3. At the outset, it is submitted by the Ld. AR that in this case AO has passed the exparte order u/s 144B of the Act by not providing any information or tangible material, till the end of the reassessment proceedings. He further submitted that Ld. CIT(A) has sustained the addition without considering the fact that AO has passed the order without considering the reply of the assessee and dismissed the appeal of the assessee on account of non-prosecution and not passed the order on the merits of the case. Hence, he requested that matter may be remitted back to the file of the Ld. CIT(A) for fresh adjudication, after giving

adequate opportunity of being heard to the assessee and decide the appeal on merits of the case, for which Ld. DR has no objection.

4. We have heard both the parties and perused the records. In view of the aforesaid factual matrix, we find considerable cogency in the aforesaid contention of the Ld. AR for the assessee, therefore, in our considered view interest of justice will be served, if the issues are remitted back to the file of the Ld. CIT(A), with the directions to decide the same afresh on merits of the case, after giving adequate opportunity of being heard to the assessee. We hold and direct accordingly.

5. In the result, the Assessee's appeal is allowed for statistical purposes.

Order pronounced in the Open Court on 05.05.2025.

Sd/-

(VIMAL KUMAR)
JUDICIAL MEMBER

Sd/-

(SHAMIM YAHYA)
ACCOUNTANT MEMBER

SRBHATNAGAR

Copy forwarded to:-

1. Appellant
2. Respondent
3. CIT
4. CIT(A)
5. DR, ITAT

Assistant Registrar