

IN THE INCOME TAX APPELLATE TRIBUNAL

DELHI BENCH "B", NEW DELHI

BEFORE SHRI SHAMIM YAHYA, ACCOUNTANT MEMBER,
AND
SHRI VIMAL KUMAR, JUDICIAL MEMBER

	ITA NOS. 5616 & 5617/Del/2024		
	A.YRs. : 2013-14 & 2014-15		
HAMD FOODS PRIVATE LIMITED, 6478, NAWAB ROAD, SADAR BAZAR, DELHI – 110 006 (PAN: AABCH5087L) (APPELLANT)	VS.	DCIT, CENTRAL CIRCLE, GHAZIABAD (RESPONDENT)	

Appellant by : Ms. Ananya Kapoor, 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 :

These appeals have been filed by the Assessee against the respective Orders of the Ld. CIT(A)-3, Noida relating to assessment years 2013-14 & 2014-15.

2. Brief facts of the case are that the assessee company is engaged in the business of Foods Processing & related activities. During the course of assessment proceedings, the assessee company has filed various details / documents / information that were looked into. By the AO. The accounts of the assessee company were audited and copy of audit report alongwith Profit and Loss account and balance sheet was furnished. In this case an information was received from DDIT(Inv.)-II, Ghaziabad in respect of bogus purchases / expenses amounting to Rs. 10,00,000/- made by the assessee company with Shri Mohd.

Qureshi during the year under consideration. AO noted that as the assessee company had not given any explanation or documentary evidence in respect of turnover declared by Sh. Mohd. Ali Qureshi Prop. M/s Limra Traders in his ITR for the year under consideration which is not in consonance with the purchase transactions made by the assessee company with him during the year under consideration. He further noted that assessee company has also failed to prove the genuineness of the transactions made by the assessee company with Sh. Mohd. Ali Qureshi Prop. M/s Limra Traders during the year under consideration. Hence, it is established that the assessee company has made total bogus purchases transactions of Rs. 10,00,000/- with Sh. Mohd. Ali Qureshi Prop. M/s Limra Traders during the year under consideration and has reduced its net profit to evade the taxes, therefore, the addition of Rs. 10,00,000/- was made in the hands of the assessee. 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 assessee has taken a common ground in both the appeals that Ld. CIT(A) has erred in not appreciating that the non-appearance / non-compliance is neither wilful nor intentional, as the father of the Director of the assessee company was having grave ill-health, as a result thereof, the matter could not be attended for bona-fide reasons, which were completely beyond the control of the assessee. In support of this contention, she placed the medical reports/records of the father of the assessee. Hence, she requested that matter may be remitted back to the file of the Ld. CIT(A) in both the appeals for fresh adjudication, after giving adequate opportunity of being heard to the assessee and decide the appeals 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, both the Assessee's appeals are 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