

**INCOME TAX APPELLATE TRIBUNAL  
DELHI BENCH "B": NEW DELHI  
BEFORE SHRI M. BALAGANESH, ACCOUNTANT MEMBER  
AND  
SHRI YOGESH KUMAR U.S., JUDICIAL MEMBER**

**ITA No. 539/Del/2025**  
(Assessment Year: 2012-13)

<b>M/s. Goodluck India Ltd,</b> (The Seccessor entity of M/s. Novalty Enterprises (P) Ltd), 509, Arunachal Building, Barakhamba Road, Connaught Place, New Delhi-110006	Vs.	Income Tax Officer, Ward-18(4), New Delhi
(Appellant)		(Respondent)
<b>PAN: AAACG3204D</b>		

Assessee by :	Shri Somil Agarwal, Adv
Revenue by:	Shri Rajesh Kumar Dhanesta, Sr. DR
Date of Hearing	14/05/2025
Date of pronouncement	14/05/2025

**ORDER**

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

1. The appeal in ITA No.539/Del/2025 for AY 2012-13, arises out of the order of the National Faceless Appeal Centre (NFAC), Delhi [hereinafter referred to as 'Id. NFAC', in short] in Appeal No. ITBA/NFAC/S/250/2023-24/1058798998(1) dated 15.12.2023 against the order of assessment passed u/s 143(3) r.w.s. 147C of the Income-tax Act, 1961 (hereinafter referred to as 'the Act') dated 04.12.2019 by the Assessing Officer, ITO, Ward-18(4), New Delhi (hereinafter referred to as 'Id. AO').

2. At the outset, we find that there is a delay in filing of appeal by the assessee before us by 335 days. Considering the reasons adduced in the condonation petition, we are inclined to condone the delay and admit the appeal of the assessee for adjudication.

3. The assessee has challenged the addition made in the sum of Rs 1,25,00,000/- on account of share capital and share premium under section 68 of the Act. The assessee had also challenged the validity of assumption of jurisdiction under section 147 of the Act by the Learned AO. But the preliminary ground raised by the assessee is that the Learned CIT(A) had passed an exparte order without securing the presence of the assessee. We deem it fit to address this preliminary ground first as it goes to the root of the matter.

4. We have heard the rival submissions and perused the materials available on record. On perusal of the order of the Id NFAC, we find that the Id NFAC had dismissed the appeal of the assessee for non-appearance and having done so, proceeded to adjudicate the issue on merits by simply reiterating what has been done by the Learned AO. No independent findings were given by the Learned NFAC. Hence, in the interest of justice and fairplay, we deem it fit and appropriate to restore this appeal to file of Id NFAC for de novo adjudication in accordance with law. Needless to mention the assessee be given reasonable opportunity of being heard. The assessee is directed to cooperate with Id NFAC for expeditious disposal of the appeal by not taking unwarranted adjournments. Hence, the 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 14/05/2025.

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

-Sd/-  
**(M. BALAGANESH)**  
**ACCOUNTANT MEMBER**

Dated:14/05/2025  
A K Keot

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

ASSISTANT REGISTRAR  
ITAT, New Delhi