

IN THE INCOME TAX APPELLATE TRIBUNAL, RANCHI BENCH, RANCHI

BEFORE SHRI GEORGE MATHAN, JUDICIAL MEMBER AND
SHRI RATNESH NANDAN SAHAY, ACCOUNTANT MEMBER

ITA No. 49/Ran/2023
(Assessment Year-2017-18)
(Virtual Hearing)

Jharkhand Urjaa Sancharan Nigam Limited, SLDC Building, Ranchi-834002. PAN No. AADCJ 3112 A	Vs.	I.T.O., Ward 1(4), Ranchi.
Appellant/ Assessee		Respondent/ Revenue

Assessee represented by	Shri Shrawan Kr. Jha, Adv.
Department represented by	Shri Shiv Swaroop Singh, CIT-DR
Date of hearing	22/05/2025
Date of pronouncement	22/05/2025

ORDER

PER: BENCH

1. This appeal by the assessee is directed against the order of National Faceless Appeal Centre (NFAC), Delhi/learned Commissioner of Income Tax (Appeals), (in short, the Id. CIT(A)) dated 01/03/2023 for the A.Y. 2017-18. In this appeal, the assessee has raised following grounds of appeal:

- "1. Whether the Id. CIT(A) was justified on the facts and in circumstances of the case and in law to confirm the penalty imposed by the Assessing Officer u/s 270A of the Income tax Act, 1961 for misreporting when the assessee claimed the carry forward of the loss filing returns of income for A Y: 2017-18 u/s 139(4) of the Income tax Act, 1961?
2. Whether the Id.CIT(A) was justified on the facts and in circumstances of the case and in law to confirm the levy of penalty at Rs.84,47,30,522/- u/s 270A of the Income tax Act, 1961 made by the Assessing Officer while passing the order on 27.09.2021?
3. Whether the Id. CIT(A) was justified on the facts and in circumstances of the case and in law to hold that there was misreporting of income to the tune of Rs. 1,22,04,26,668/- being the claim of loss to be carried forward in its return of income filed u/s 139(4) of the Income tax Act, 1961 for AY: 2017-18 on 15.03.2018 which called for levy of penalty of Rs. 84,47,30,522/- u/s 270A of the Income tax Act, 1961?
4. Whether the Id. CIT(A) was justified on the fact & in circumstances of the case as well as in law to not to interfere with the order of Assessing Officer levying the

penalty u/s 270A of the Income tax Act, 1961 for misreporting by way of claiming carry forward of loss in a returns of income filed u/s 139(4) of the Income tax Act, 1961 for A Y: 2017-18 which the Assessing Officer disallowed, as the assessee failed to respond to the notices issued by the National Faceless Appeal Centre(NFAC) without deciding on merit whether the issue of claiming of carry forward of loss by the assessee in its returns of income filed u/s 139(4) of the Income tax Act, 1961 for A Y: 2017-18 was indeed misreporting of income which called for levy of penalty u/s 270A of the Income tax Act, 1961 ?

5. *The appellant craves leave to add to alter, amend, modify and/or delete any or all of the above said grounds of appeal . The appellant reserves its right to file further submissions in the appeal."*

2. Facts of the case, in brief, are that the assessee is a public limited company domiciled in India and was incorporated on 23/10/2013 under the provisions of the Companies Act, 1956. The company is engaged in transmission of electricity. The assessee company filed return of income for the A.Y. 2017-18 on 15/03/2018 declaring NIL income. Subsequently, the case was selected for scrutiny under Section 143(3) of the Income Tax Act, 1961 (in short, the Act) and the assessment was completed under Section 143(3) of the Act on 21/11/2019 and the Assessing Officer disallowed the loss claimed by the assessee company of Rs. 1,22,04,26,668/- to be carry forward on the ground that the return was a belated return filed under Section 139(4) of the Act. The Assessing Officer also initiated penalty proceedings under Section 270A of the Act for misreporting of income/loss as the assessee has made an incorrect claim of carry forward of business loss and imposed a penalty of Rs. 84,47,30,522/-.
3. Aggrieved by the order of said penalty order passed by the Assessing officer, the assessee filed appeal before the Id. CIT(A), who vide impugned order, dismissed the appeal of assessee on the ground that despite given several opportunities of being heard as recorded in para 5.1.1. of the impugned order,

neither any reply was received nor the case was represented by the assessee company.

4. The Id. AR of the assessee requested for one more opportunity to represent its case before the Id. CIT(A). We, therefore, remand the matter back to the file of Id. CIT(A) to consider the submission of the appellant company and decide the issue afresh. The assessee was also directed to appear before the Id. CIT(A) and make submissions as required by him. In the result, grounds of appeal are allowed for statistical purposes only.
5. In the result, this appeal of assessee is allowed for statistical purposes.

Order announced in open court on 22nd May, 2025.

Sd/-
(GEORGE MATHAN)
JUDICIAL MEMBER
Ranchi, Dated: 30/05/2025

**Ranjan*

Copy to:

1. Assessee
2. Revenue
3. CIT
4. DR
5. Guard File

Sd/-
(RATNESH NANDAN SAHAY)
ACCOUNTANT MEMBER

By order

Sr. Private Secretary, ITAT, Ranchi