

आयकर अपीलीय अधिकरण, इंदौर न्यायपीठ, इंदौर
IN THE INCOME TAX APPELLATE TRIBUNAL
INDORE BENCH, INDORE

BEFORE SHRI B.M. BIYANI, ACCOUNTANT MEMBER
AND
SHRI PARESH M JOSHI, JUDICIAL MEMBER

ITA No.57/Ind/2025 (AY: 2018-19)

Mehi Power Transformers, 74-J Industrial Estate, Polo Ground, Indore (PAN: AACFM0235H)	बनाम/ Vs.	DCIT-4(1), Indore
(Appellant)		(Respondent)
Assessee by	Shri Sudhir Padliya, AR	
Revenue by	Shri Ashish Porwal, Sr. DR	
Date of Hearing	23.06.2025	
Date of Pronouncement	30.06.2025	

आदेश / O R D E R

Per Paresh M Joshi, J.M.:

This is an appeal filed by the assessee Under Section 253 of the Income Tax Act, 1961 (hereinafter referred to as the “**Act**” for sake of **brevity**) before this Tribunal. The assessee is aggrieved by the order bearing Number ITBA/NFAC/S/250/2024-25/1071423848(1) dated 20.12.2024 passed by the Ld. CIT(A) which is hereinafter referred to as the “**Impugned order**”. The relevant Assessment Year is 2018-19 and the corresponding previous year period is from 01.04.2017 to 31.03.2018.

2.

FACTUAL MATRIX

2.1 That as and by way of an assessment order made **u/s 144 r.w.s. 143(3A) and 143(3B) of the Act**, the assessee's total income exigible to tax was computed and assessed at **Rs.1,08,56,463/-**. The returned income was **Rs.82,13,230/-**. The addition of **Rs.26,43,233/-** was made. That the aforesaid assessment order bears No. ITBA/AST/S/147/2020-21/1031889679(1) and that same is dated 29.03.2021 which is hereinafter referred to as the "**impugned assessment order**".

2.2 That the assessee being aggrieved by the aforesaid "**impugned assessment order**" prefers first appeal **u/s 246A of the Act** before the Ld. CIT(A) who by the "**impugned order**" has **dismissed** the appeal of the assessee on the grounds and reasons stated therein. The core ground being that the assessee has not filed any documents in support. It is also recorded in the "**impugned order**" that 3 opportunities were afforded to the assessee to substantiate.

2.3 That the assessee being aggrieved by the "**impugned order**" has preferred the instant second appeal before this Tribunal and

has raised following grounds of appeal in Form No.36 against the
“**impugned order**” which are as under:-

“1. That Ld. CIT-A has erred in confirming the action of A.O. for making addition of Rs 2463233 ignoring assessee's explanation and reconciliation submitted before him for variation in profit due to application of ICDS.

2. That Ld. CIT A has confirmed the action of charging tax as per provisions of section 115BBE of the Act and surcharge @ 25% of tax u/s 115BBE ignoring the fact that no additions were made in the assessment completed u/s 143(3) on 29.03.2021 in any of the section 68, 69 and 69A of the Act.

3. That Ld. CIT has erred in justifying the action of A.O. for charging interest as per provisions of section 234A of the Act ignoring the notification issued by CBDT for extending the due date u/s 139(1) of the Act.

4. That Ld. CIT has erred in justifying the action of A.O. for charging interest u/s 234B of the Act of Rs. 502416 from the assessee ignoring the fact that assessee has deposited pre-paid taxes more than 90% of the tax payable by him.

5. That any other ground or grounds or amendment of the existing ground which may be taken on or before the adjudication of the present appeal”.

3. Record of Hearing

3.1 The hearing in the matter took place before this Tribunal on 23.06.2025 when the Ld. AR appearing on behalf of the assessee has placed on record of this tribunal a paper book containing pages from 1 to 124. A e-proceedings response acknowledgement dated 02.12.2024 and a calculation sheet evidencing tax computation basis Rs.1,38,50,754/- . A written submission dated 23.06.2025 too has been placed on record of this tribunal. It was

contended by the Ld. AR that the **“impugned order”** is bad in law, illegal and not proper. It is passed in violation of the principles of natural justice. It was contended that before the Ld. CIT(A) the assessee had made a exhaustive reply along with the documents on 02.12.2024 but the Ld. CIT(A) has failed to take the same into consideration and has erroneously held that **“However the appellant has not filed any documents with reply dated 02.12.2024”** and has dismissed the appeal of the assessee. The necessary proof of acknowledgement is filed and shown today. It was also sought to be contended before us that computation sheet which was tendered shows total income at Rs.1,38,50,754/- and not Rs.1,08,56,463/- as assessed by the Ld. A.O. Copy of said calculation sheet was shown to us today. It was finally contended by the Ld. AR that the **“impugned order”** is therefore in violation of the principles of natural justice and should be set aside. Per contra Ld. DR appearing for revenue has contended that in view of the fact that assessee's AR has shown proof of filing of reply dated 02.12.2024 along with documents the same can be relooked once again by the Ld. CIT(A)

and hence the matter should be relegated back to the file of Ld. CIT(A) on *denovo basis* as that would meet the ends of justice.

4. Observations, findings & conclusions.

4.1 We now have to decide the legality, validity and the propriety of the **"impugned order"** basis records of the case and rival contentions canvassed before us.

4.2 We have carefully perused the records of the case as presented to this Tribunal by both Ld. AR & Ld. DR to determine the legality, validity of the **"impugned order"** basis law and by following due process .

4.3 We observe on bare simple perusal of the **"impugned order"** that the Ld. CIT(A) has recorded that reply/submission of the assessee dated 02.12.2024 is not accompanied with any documents which fact stands contradicted as assessee has demonstrated before us that all documents with submissions dated 02.12.2024 were duly uploaded on portal and in support thereof has placed relevant acknowledgement receipt. In view of this we are of the considered opinion that the **"impugned order"** is passed in the violation of the principles of natural justice. We

accordingly set aside the “**impugned order**” as and by way of remand on *denovo basis*.

5. Order

5.1 In the premises drawn up by us we set aside the “**impugned order**” as and by way of remand with a direction to the Ld. CIT(A) to pass a well reasoned order on merits after giving full and complete opportunity to the assessee. Further liberty is also given to the assessee to bring to the notice of Ld. CIT(A) any other document relevant to the assessment proceedings. Error if any in tax calculation sheet too may be pointed out to lower authorities as assessee deems fit and proper.

5.2 In the result appeal of the assessee is allowed for statistical purpose.

Order pronounced in open court on 30.06.2025.

Sd/-

(B.M. BIYANI)
ACCOUNTANT MEMBER

Sd/-

(PARESH M JOSHI)
JUDICIAL MEMBER

Indore
दिनांक/ Dated : 30/06/2025
Dev/Sr. PS

Copies to: (1) The appellant
(2) The respondent
(3) CIT
(4) CIT(A)
(5) Departmental Representative
(6) Guard File

By order
Senior Private Secretary
Income Tax Appellate Tribunal
Indore Bench, Indore