

आयकर अपीलीय अधिकरण, “एस.एम.सी” न्यायपीठ, कोलकाता
IN THE INCOME TAX APPELLATE TRIBUNAL “SMC” BENCH KOLKATA

श्री जार्ज माथन, न्यायिक सदस्य के समक्ष ।
BEFORE SHRI GEORGE MATHAN, JUDICIAL MEMBER

आयकर अपील सं/ITA No.1071/KOL/2025
(निर्धारण वर्ष / Assessment Year :2017-18)

Topflow Suppliers Private Limited 66, Nalini Sett Road, 5 th Floor, Burra Bazar, Kolkata-700007, West Bengal	Vs	ITO Ward 9(1), Aaykar Bhavan, P-7, Chowringhee Road, Kolkata-700016, West Bengal
PAN No. : AAECT 1303 Q		
(अपीलार्थी /Appellant)	..	(प्रत्यर्थी / Respondent)
निर्धारिती की ओर से /Assessee by	:	Shri B.C.Jain, AR
राजस्व की ओर से /Revenue by	:	Shri Shankar Naskar, Sr. DR
सुनवाई की तारीख / Date of Hearing	:	23/07/2025
घोषणा की तारीख/ Date of Pronouncement	:	23/07/2025

आदेश / O R D E R

This is an appeal filed by the assessee against the order of the Id. CIT (A), NFAC in appeal No. ITBA/NFAC/s/250/2024-25/1075145214(1) vide order dated 27.03.2025 for A.Y. 2017-18.

2. Shri B.C.Jain, Id AR appeared on behalf of the assessee. Shri Shankar Naskar, Id.Sr. DR appeared on behalf of the revenue.

3. An adjournment application has been filed by Shri Rakesh Jain, FCA on behalf of the assessee and Shri B.C.Jain, FCA appeared and sought adjournment on behalf of Shri Rakesh Jain, who is authorized representative of the assessee. However, looking to the facts of the case, the adjournment application is rejected and the appeal is heard finally.

4. It was noticed that the order of the Id. CIT(A) is ex-parte and that the assessee has not represented its matter before the AO also. Consequently, it was informed to the Id. AR, who appeared on behalf of Shri Rakesh Jain, Id AR of the assessee, the matter would be sent back to the file of AO, subject to levy of cost. The Id. Counsel has agreed to the same.

5. In reply, Id. Sr. DR supported the orders of the Id. AO and Id. CIT(A).

6. I have considered the rival submissions. Considering the facts of the case, the issues in this appeal are restored to the file of Id. AO for readjudication afresh. The fact shows that the assessee has allegedly taken a loan of Rs.25 lakhs from M/s Sri Sakthi Sai Enterprises. The assessee has not provided the details of M/s Sri Sakthi Sai Enterprises before the AO. The assessee shall produce the representative of M/s Sri Sakthi Sai Enterprises before the AO to substantiate its claim of loan. In the absence of the assessee to produce the concerned authority of M/s Sri Sakthi Sai Enterprises in respect of confirmation of the loan of Rs.25 lakhs, the AO is at liberty to draw adverse inference. As the assessee has not represented before the Assessing Officer nor complied the notices issued by the Id.CIT(A), therefore, a cost of **Rs.25000/- (Rupees Twentyfive Thousand only)** is hereby levied on the assessee to be payable to the Legal Aid Services, 3rd Floor of the Centenary Building, High Court, Calcutta-700001, within sixty days from the date of this order and receipt of the same would be produced before the Id. CIT(A) at the first hearing. Should the assessee not pay the abovementioned costs within the prescribed period of sixty days from the date of this order, the order of the Id. CIT(A) shall stand confirmed.

The assessee shall cooperate in the readjudication proceeding before the Id.AO positively.

7. In the result, appeal of the assessee is partly allowed for statistical purposes.

Order dictated and pronounced in the open court on 23/07/2025.

Sd/-

(जार्ज माथन)

(GEORGE MATHAN)

न्यायिक सदस्य / JUDICIAL MEMBER

कोलकाता Kolkata; दिनांक Dated 23/07/2025

Prakash Kumar Mishra, Sr.P.S.

आदेश की प्रतिलिपि अग्रेषित/Copy of the Order forwarded to :

1. अपीलार्थी / The Appellant-
2. प्रत्यर्थी / The Respondent-
3. आयकर आयुक्त(अपील) / The CIT(A),
4. आयकर आयुक्त / CIT
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, **कोलकाता** / DR,
ITAT, Kolkata
6. गार्ड फाईल / Guard file.

आदेशानुसार/ BY ORDER,

(Assistant Registrar)

Income Tax Appellate Tribunal, Kolkata