

आयकर अपीलिय अधिकरण, 'सी' न्यायपीठ, चेन्नई।
IN THE INCOME TAX APPELLATE TRIBUNAL
'C' BENCH: CHENNAI

माननीय श्री मनु कुमार गिरि, न्यायिक सदस्य एवं माननीय श्री एस.आर.रघुनाथा, लेखा सदस्य के समक्ष ।
BEFORE HON'BLE SHRI MANU KUMAR GIRI, JUDICIAL MEMBER AND
HON'BLE SHRI S. R. RAGHUNATHA, ACCOUNTANT MEMBER

आयकर अपील सं./ITA No.964/Chny/2025

निर्धारण वर्ष/Assessment Year: 2015-16

Shriram Properties (Coimbatore)
Private Limited,
No.31, 2nd Main Road,
T Chowdaiah Road, Sadashivanagar,
Bangalore, Karnataka-560080.
[PAN: AAKCS3522N]

v. Income Tax Officer,
Corporate Ward-1,
Coimbatore.

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से/ Appellant by

: Mr.Ananthan, C.A &
Smt.R.Lalitha, C.A,

प्रत्यर्थी की ओर से /Respondent by

: Mr.Bipin C.N, CIT

सुनवाईकीतारीख/Date of Hearing

: 30.07.2025

घोषणाकीतारीख /Date of Pronouncement

: 31.07.2025

आदेश / ORDER

PER MANU KUMAR GIRI, JM:

This appeal is preferred by the assessee against the order of the Ld.CIT(A), NFAC, Delhi dated 13.12.2013 for AY 2015-16.

2. At the outset, the registry has noted that the appeal has been filed after a delay of 398 days and the assessee has filed explaining the delay. Having gone through the contents of the affidavit, we are satisfied that there is sufficient cause for delay in filing the appeal. Therefore, we



condone the delay of 398 days and proceed to adjudicate the appeal of the assessee.

3. The assessee is a private limited company engaged in the business of property development. It filed its return of income for the assessment year (In short 'AY') 2015-16 on 30.09.2015 declaring a loss of Rs 5,02,18,203/- under the normal provisions of the Income Tax Act, 1961 and a loss of Rs.5,06,28,893/- under 115JB of the Income Tax Act, 1961 (In short 'Act'). Tax payable thereon was computed at Rs. Nil.

In the assessment made under section 143(3), the Assessing Officer ('AO' in short), made additions and disallowances and reduced the Loss to Rs.26,10,051/-. In the assessment, the Id. AO made the following additions while arriving at the taxable income under the regular computation which are being contested by the appellant:

Sl. No.	Particulars	Amount in Rs.
1.	Disallowance of Business Expenditure	4,75,36,943
2.	Disallowance u/s 14A	70,759

Being aggrieved by the assessment order passed under section 143(3), the appellant preferred an appeal before the Id.CIT(A).

4. In appellate proceedings, the Id.CIT(A) has given hearing notices dated 24.12.2020, 26.08.2022, 25.11.2022, 20.01.2023 and 28.04.2023 asking it to furnish the written submissions in support of its grounds of appeal and statement of facts, on or before 08.01.2021, 05.09.2022, 02.12.2022, 27.01.2023 and 15.05.2023. In response to the notices the appellant has



replied on 28.12.2020, 03.09.2022, 27.01.2023 and 15.05.2023. However, the Ld.CIT(A) has affirmed the order of the AO ex-parte.

Now the assessee is in appeal before us.

5. Ld.AR of the assessee submitted that the assessee has not received hearing notice issued by the Ld.CIT(A) although the assessee had earlier sought adjournments. He further prayed that one more opportunity of being heard be given to the assessee to substantiate its case before the Ld.CIT(A).

6. Per contra, the Ld. Departmental Representative, Mr.Bipin C.N, CIT relied on the orders of the Ld.CIT(A) and pleaded for the dismissal of the assessee's appeal.

7. We have heard the rival submissions and perused the records. We find that there was no appearance by the assessee's representative before the Ld.CIT(A) despite notices issued. Further, in the interest of justice, we deem it fit to set aside this appeal to the file of the Ld.CIT(A) for de novo adjudication of the appeal after providing an opportunity of being heard to the assessee. The assessee is directed to substantiate its case forthwith without fail, failing which the Ld.CIT(A) at liberty to proceed with the appellate proceedings as per law. The Ld.Counsel has also pointed out the new email address of assessee as: gautam.shenoy@shriramproperties.com and Mobile No.9632967722 as per Form-36. The Ld.AR also assured this bench that in case the appeal is set aside, the assessee will prosecute its case before the CIT(A).



ITA No.964/Chny/2025 (AY 2015-16)
Shriram Properties (Coimbatore) Private Limited
:: 4 ::

8. In the result, the appeal of the assessee stands allowed for statistical purposes.

Order pronounced on the 31st day of July, 2025, in Chennai.

Sd/-
(एस.आर.रघुनाथा)
(S. R. RAGHUNATHA)
लेखा सदस्य/**ACCOUNTANT MEMBER**

Sd/-
(मनु कुमार गिरि)
(MANU KUMAR GIRI)
न्यायिक सदस्य/**JUDICIAL MEMBER**

चेन्नई/Chennai, दिनांक/Dated: 31st July, 2025.

KB/-

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकरआयुक्त/CIT, Chennai / Madurai / Salem / Coimbatore.
4. विभागीयप्रतिनिधि/DR
5. गार्डफाईल/GF