



**IN THE INCOME TAX APPELLATE TRIBUNAL
JABALPUR BENCH "DB", JABALPUR**

**BEFORE SHRI KUL BHARAT, VICE PRESIDENT AND
SHRI, NIKHIL CHOUDHARY, ACCOUNTANT MEMBER**

ITA Nos. 157 to 160/JAB/2025
Assessment Years: 2015-16, 2017-18 & 2018-19

Seva Sahakari Samiti Mydt Khairapalari Gram Khera Palari, Khera Palari Seoni, MP- 480661.	v.	Income Tax Officer Office of Income Tax, Barapathar, Seoni, MP- 480661.
TAN/PAN:AAJS2833B		
(Appellant)		(Respondent)

Appellant by:	Shri Vikash Ahuja, CA		
Respondent by:	Shri Alok Bhura, Sr. CIT(DR)		
Date of hearing:	19	08	2025
Date of pronouncement:	21	08	2025

ORDER

PER KUL BHARAT, VICE PRESIDENT.:

These four appeals, filed by the assessee, against the different orders of learned Commissioner Income Tax (Appeals) [hereinafter referred as the "Ld.CIT(A)"/National Faceless Appeal Centre (NFAC), Delhi, pertaining to the assessment year 2015-16, 2017-18 & 2018-19. For the sake of convenience, all appeals were heard together and are being disposed off by this consolidated order. First, we will take up the appeal of assessee in ITA. No. 157/JAB/2025, pertaining to the A.Y. 2015-16 which is taken as a lead case. The assessee has raised following grounds of appeal: -

"1.That on facts and in law, the order passed 7 by the learned CIT(A), to the extent prejudicial to the appellant, is bad in law and liable to be quashed.

2. That on facts and in law, the Ld. AO has erred in opening the assessment u/s 147 by Issuing notice u/s 148 and has erred in passing ex-parte order u/s 144 without giving proper opportunity of being heard.

3. That on facts and in law, the Ld. AO has erred in passing the order u/s 147 r.w.s 144 without providing the reasons recorded for as assessee uploads Tax audit report and filed income tax return under section 148 of the Income tax in support of its claim.

4. The Learned CIT (A) erred in upholding the ad-hoc addition towards commission and insurance commission which was based on the learned AO's own inventiveness and surmises.

5. The Ld. CIT A erred in upholding the additions made as a result of an afterthought of the Ld AO while passing the order given that Commission and insurance receipts allowing an allowance of expense on 40% adhoc basis, due to non-availability of being heard. Ld AO made addition on Adhoc basis

6. That on facts and in law, the Ld. CIT(A) grossly erred in upholding the order of Ld. AO in making addition to the extent of Rs. 116490/ on account of Contractual receipts without appreciating the fact that which was based on the learned AO's own inventiveness and surmises.

7. The Ld. CIT A erred in upholding the additions made as a result of an afterthought of the Ld AO while passing the order given that Contractual receipts allowing a allowance of expense on 88% adhoc basis, due to non-availability of being heard. Ld AO made addition of 12% on Adhoc basis.

8. The Ld. CIT(A) erred in upholding the additions made by the Ld. AO in violation of Principle of natural justice. Thus, the addition is bad in law and should be deleted.

9. That the appellant craves leave to add, alter, amend or vary any of the ground either at or before the hearing of the appeal.”

2. Apropos to the grounds of appeal, the Ld. Counsel for the assessee reiterated the submissions as made in the statements of fact. The Ld. Counsel for the assessee contended that the orders have been passed *ex parte* to the assessee by the lower authorities. He contended that the reasons for non-submissions and non-attendance of the proceedings was that the notices were not served on the office of the assessee society. Therefore, he prayed that in the interest of principles of natural justice matter may be remitted to the Assessing Authority.

3. On the other hand, learned Departmental Representative (“DR”) opposed the submissions and supported the orders of the authorities below. He contended that the multiples opportunities were given to the assessee. Therefore, in the absence of the representation on behalf of the assessee, the Ld. CIT(A) was

justified in passing the exparte order against the assessee. He contended that the assessee should not be allowed to take advantage of its negligence.

4. We have heard the rival submissions and perused the material available on record. It is transpired from the records that there was no representation on behalf of the assessee before the lower authorities. The Assessing Officer has noted that on various occasions notices were issued to the assessee society but the assessee failed to respond to these notices and so was the condition before the First Appellate Authority, there was no representation on behalf of the assessee society. It is contended that by Ld. Counsel for the assessee that if the opportunity is granted to the assessee it would itself participate and assist the authority concerned and co-operate in the proceedings by filing the requisite details. Hence, considering the undertaking of the Ld. Counsel for the assessee and looking to the fact that the assessee has not represented its case before the lower authorities. It would sub-serve the interest of justice if the matter is restored to the Assessing Officer. We, therefore, set aside the order of the Ld. CIT(A) and restore the matter to AO who would frame the assessment preferably within the six months from the date of receipt of this order. The assessee is hereby directed to co-operate in the proceedings and present its case by filing the requisite information/evidences as called for by the Assessing Authority. Before parting, we clarify that in the event of assessee's failure for not representing its case before the Assessing Authority and filing the requisite details AO would be at liberty to take adverse view and frame the assessment in accordance with law. Grounds raised in this appeal are allowed for statistical purpose.

5. Now, we take up the assessee's appeal in ITA. Nos.158 to 160/JAB/2025 for A.Y. 2017-18 & 2018-19. The identical grounds have been taken in all these appeals. For the sake of clarity, all the grounds are reproduced as under: -

ITA. No.158/JAB/2025

“1.That on facts and in law, the order passed 7 by the learned CIT(A), to the extent prejudicial to the appellant, is bad in law and liable to be quashed.

2. That on facts and in law, the Ld. AO has erred in opening the assessment u/s 147 by Issuing notice u/s 148 and has erred in passing ex-parte order u/s 144 without giving proper opportunity of being heard.

3. That on facts and in law, the Ld. AO has erred in passing the order u/s 147 r.w.s 144 without providing the reasons recorded for as assessee uploads Tax audit report and filed income tax return under section 148 of the Income tax in support of its claim.

4. The Learned CIT (A) erred in upholding the ad-hoc addition towards commission and insurance commission which was based on the learned AO's own inventiveness and surmises.

5.The Ld. CIT A erred in upholding the additions made as a result of an afterthought of the Ld AO while passing the order given that Commission and insurance receipts allowing an allowance of expense on 40% adhoc basis, due to non-availability of being heard. Ld AO made addition on Adhoc basis

6.That on facts and in law, the Ld. CIT(A) grossly erred in upholding the order of Ld. AO in making addition to the extent of Rs.306106/ on account of Contractual receipts without appreciating the fact that which was based on the learned AO's own inventiveness and surmises.

7.The Ld. CIT A erred in upholding the additions made as a result of an afterthought of the Ld AO while passing the order given that Contractual receipts allowing a allowance of expense on 88% adhoc basis, due to non-availability of being heard. Ld AO made addition of 12% on Adhoc basis.

8. The Ld. CIT(A) erred in upholding the additions made by the Ld. AO in violation of Principle of natural justice. Thus, the addition is bad in law and should be deleted.

9. That the appellant craves leave to add, alter, amend or vary any of the ground either at or before the hearing of the appeal.”

ITA. No.159/JAB/2025

“1.That on facts and in law, the order passed 7 by the learned CIT(A), to the extent prejudicial to the appellant, is bad in law and liable to be quashed.

2. That on facts and in law, the Ld. AO has erred in opening the assessment u/s 147 by Issuing notice u/s 148 and has erred in passing ex-parte order u/s 144 without giving proper opportunity of being heard.

3. That on facts and in law, the Ld. AO has erred in passing the order u/s 147 r.w.s 144 without providing the reasons recorded for as assessee uploads Tax audit report and filed income tax return under section 148 of the Income tax in support of its claim.

4. The Learned CIT (A) erred in upholding the addition commission towards 80P deduction which was based on the learned AO's own inventiveness and surmises.

5. The Ld. CIT A erred in upholding the additions made as a result of an afterthought of the Ld AO while passing the order given that not considered the business nature and, due to non-availability of being heard. Ld. AO made addition on exparte order.

6. The Ld. CIT(A) erred in upholding the additions made by the Ld. AO in violation of Principle of natural justice. Thus, the addition is bad in law and should be deleted.

7. That the appellant craves leave to add, alter, amend or vary any of the ground either at or before the hearing of the appeal.”

ITA. No.160/JAB/2025

“1. That on facts and in law, the order passed 7 by the learned CIT(A), to the extent prejudicial to the appellant, is bad in law and liable to be quashed.

2. That on facts and in law, the Ld. AO has erred in opening the assessment u/s 147 by Issuing notice u/s 148 and has erred in passing ex-parte order u/s 144 without giving proper opportunity of being heard.

3. That on facts and in law, the Ld. AO has erred in passing the order u/s 147 r.w.s 144 without providing the reasons recorded for as assessee uploads Tax audit report and filed income tax return under section 148 of the Income tax in support of its claim.

4. The Learned CIT (A) erred in upholding the addition commission towards 80P deduction which was based on the learned AO's own inventiveness and surmises.

5. The Ld. CIT A erred in upholding the additions made as a result of an afterthought of the Ld AO while passing the order given that not considered the business nature and, due to non-availability of being heard. Ld. AO made addition on exparte order.

6. The Ld. CIT(A) erred in upholding the additions made by the Ld. AO in violation of Principle of natural justice. Thus, the addition is bad in law and should be deleted.

7. That the appellant craves leave to add, alter, amend or vary any of the ground either at or before the hearing of the appeal.”

6. The facts are identical in these appeals. Ld. Counsels for the assessee and Ld. DR have adopted the same arguments as in ITA. No.157/JAB/2025 in these appeals also. Therefore, we deem it expedient to set aside the impugned orders for the same

reasoning as were in ITA. No.157/JAB/2025 for A.Y. 2015-16 and same shall apply *mutatis mutandis* to ITA. Nos. 158 to 160/JAB/2025 as contained in para no. 4 of this order. All the grounds of appeal of the assessee are allowed for statistical purposes.

7. In the result, appeals of the assessee are allowed for statistical purposes.

Order pronounced in the open Court on 21/08/2025.

Sd/-
[NIKHIL CHOUDHARY]
ACCOUNTANT MEMBER

Sd/-
[KUL BHARAT]
VICE PRESIDENT

DATED: 21/08/2025

Vijay Pal Singh, (Sr. PS)

Copy of the Order forwarded to :

1. The Appellant
2. The Respondent
3. The CIT (Judicial)
4. The PCIT
5. DR, ITAT, Jabalpur
6. Guard File

By order

// True Copy//

Assistant Registrar
ITAT, Jabalpur