

**IN THE INCOME TAX APPELLATE TRIBUNAL DELHI
(DELHI BENCH 'E' NEW DELHI)**

**BEFORE SHRI YOGESH KUMAR U.S., JUDICIAL MEMBER
AND
SHRI AVDHESH KUMAR MISHRA, ACCOUNTANT MEMBER**

ITA No. 280/Del/2023 (A.Y. 2014-15)

Manikant Nutritions foods Private Limited 38, 2 nd Floor, Amarpali Apartments, Patparganj, New Delhi, 110092 PAN: AAICM0372L	Vs.	ITO Ward 5(2)(2) Noida, Uttar Pradesh
Appellant		Respondent
Assessee by	Sh. Pratap Gupta, CA	
Revenue by	Sh. Dheeraj Kumar Jain, Sr. DR	
Date of Hearing	19/08/2025	
Date of Pronouncement	27/08/2025	

ORDER

PER YOGESH KUMAR, U.S. JM:

The present appeal is filed by the Assessee against the order of Ld. Commissioner of Income Tax (Appeals/ National Faceless Appeal Centre ('Ld. CIT(A)/NFAC' for short), New Delhi dated 09/12/2022 for the Assessment Year 2014-15.

2. The Grounds of Appeal are as under:-

"1. That Id CIT(A) without appreciating the correct facts of the case is not justified in law and facts and circumstances of the case in confirming the addition of Rs. 31950000/- made by Id assessing officer under section 68 of the Income Tax Act, 1961."

3. An assessment order came to be passed on 28/12/2016 u/s 143(3) of the Income Tax Act, 1961 ('Act' for short) by making an addition of Rs. 3,19,50,000/- u/s 68 of the Act by holding that the credit liabilities shown by the Assessee company during Financial Year 2013-14 at Rs. 3,19,50,000/- is unexplained cash credit of the Assessee company. Aggrieved by the assessment order dated 28/12/2016, the Assessee preferred an Appeal before the Ld. CIT(A). The Ld. CIT(A) vide order dated 09/12/2022, dismissed the Appeal filed by the Assessee. As against the order of the Ld. CIT(A) dated 09/12/2022, the Assessee preferred the present Appeal.
4. Assessee filed an Application under Rule 29 of the Income Tax Rules before the Tribunal which is reproduced as under:-

Application under rule 29 of the Income Tax Rule 29 of the ITAT Rules, 1963:

Respected Sir,

With reference to subject mentioned above, this is hereby submitted that appellant assessee in support of grounds of appeal taken has filed certain additional documents at page no. 1, 2, 4, 5, 6, 8 and 9 in support of documents at page no 3 to 7 of our paper book filed before your honour on last date of hearing.

Documents now filed before your honour at page no 1, 2, 4, 5, 6, 8 and 9 as an evidence are in fact are the copy of ledger accounts of the creditors which were outstanding in the books of accounts of Assessee Company against the purchase of unlisted equity shares of group entities and these copy of account can also be extracted from the audited balance sheet of the company which was already on record of the Id Assessing Officer and also available on e-portal. During the course of hearing it was explained to Id Assessing Officer by whom addition was made under section 68 of the Income Tax Act, 1961 that no amount has been received through banking channel during the year under consideration and it is only a rectification entry has been passed in the year consideration of the error committed in the preceding year. Since the rectification entry can easily be fetched out from the audited balance sheet and assessee company was under bonafide belief that no addition should have been made under section 68 of the Income Tax Act as there was no banking transaction, copy of the above referred documents could not be filed before Id Assessing Officer.

Further Since Id CIT (A) (NFAC) without appreciating the correct facts of the case and without going through the grounds of appeal taken by the appellant assessee and without giving proper opportunity of being heard has confirmed the addition made by Id Assessing Officer by way of ex-parte order, these documents could not be filed before Id CIT(A).

In view of facts and circumstances of the matter, your honour is requested to admit these documents as an additional evidence under Rule 29 of the ITAT Rules, 1963 to ascertain the true and correct facts of the case and to decide the appeal on the merits of the case and oblige.

Kindly do the needful.
Thanking you.

Yours faithfully

(Chartered Accountant)
24/04/2025

5. The Ld. Assessee's Representative submitted that during the Assessment Proceedings it was explained to Ld. Assessing Officer by whom addition was made under section 68 of the Income Tax Act, 1961 that no amount has been received through banking channel during the year under consideration and it is only a rectification entry has been passed in the year consideration of the error committed in the preceding year. Since the rectification entry can easily be fetched out from the audited balance sheet and Assessee company was under bonafide belief that no addition should have been made under section 68 of the Income Tax Act as there was no banking transaction, copy of the documents mentioned in the Application could not be filed before Id Assessing Officer. Thus, Assessee filed the ledger accounts of the creditors and the letter of confirmation as additional evidence and sought for allowing the application filed under Rule 29 of the Income Tax Appellate Tribunal Rules, 1963.

6. Per contra, the Ld. Ld. Departmental Representative submitted that even after providing sufficient opportunities, the Assessee failed to appear before the Ld. CIT(A) and therefore, objected for allowing the Application filed under Rule 29 of the Rules.

7. We have heard both the parties and perused the material available on record. The Ld. CIT(A) has been passed ex-parte and the Assessee was under the impression that the rectification entry can be easily fetched out by the A.O. from the audited balance sheet and the Assessee was under the *bonafide* belief that no addition will be made by the A.O. Therefore, those documents have not been placed before the A.O. Considering the above facts and circumstances, we deem it fit to remand the matter to the file of the A.O. with a liberty to the Assessee to produce all documents and the A.O. is directed to frame the assessment de-novo after providing opportunity of being heard to the Assessee.

8. In the result, the Appeal of the Assessee is partly allowed for statistical purpose.

Order pronounced in the open court on 27th August, 2025

Sd/-

**(AVDHESH KUMAR MISHRA)
ACCOUNTANT MEMBER**

Date:- 27 .08.2025

R.N, Sr.P.S*

Sd/-

**(YOGESH KUMAR U.S.)
JUDICIAL MEMBER**

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

ASSISTANT REGISTRAR
ITAT, NEW DELHI

