

**IN THE INCOME TAX APPELLATE TRIBUNAL,  
DELHI BENCH: 'B' NEW DELHI**

**BEFORE SHRI S RIFAUR RAHMAN, ACCOUNTANT MEMBER  
AND SHRI VIMAL KUMAR, JUDICIAL MEMBER**

ITA No. 2678/Del/2024  
Assessment Year: 2012-13

H.K. Infrabuild Pvt. Ltd., 486/1, Ist Floor, Gali Rajan Kalan Kishmiri Gate, Delhi – 1100 06	<b>Vs.</b>	Income Tax Officer, Ward 11(1), New DelhiDelhi
<b>PAN :AACCH7941N</b>		
<b>(Appellant)</b>		<b>(Respondent)</b>

Appellant by	Shri S.S. Nagar, CA
Respondent by	Shri Rajesh Kumar Dhanesta, Sr. DR

Date of hearing	26.08.2025
Date of pronouncement	26.08.2025

**ORDER**

**PER VIMAL KUMAR, JUDICIAL MEMBER:**

The appeal of the assessee is against order dated 27.03.2024 of Learned Commissioner of Income Tax (Appeals)/National Faceless Assessment Centre (NFAC), Delhi (hereinafter referred as “the Ld. CIT(A)”) under Section 250 of the Income Tax Act, 1961 (hereinafter referred as “the Act”) arising out of

assessment order dated 19.11.2019 of the Learned Income Tax Officer, Ward 11(1), New Delhi (hereinafter referred as “the Ld. AO”) under Sections 147 read with section 144 of the Act for assessment year 2012-13.

2. Brief facts of the case are that the appellant/assessee filed return of income declaring loss of Rs.25,703/- on 30.09.2012 for assessment year 2012-13. Information was received from ITO (I & CI), New Delhi vide letter dated 05.04.2018 that assessee company had entered into high value transaction of Rs.2,04,00,000/-for purchase of property No.2939, Hamilton Road, Zorawar Singh Marg, Mori Gate, Delhi-1100 06. After obtaining approval from PCIT-4, New Delhi, notice under Section 133(6) of the Act was issued to the company. No reply to notice was filed. After recording reasons and getting approval from PCIT-4, New Delhi, notice under Section 148 of the Act was issued on 31.03.2019 asking assessee to furnish its return of income for assessment year 2012-13. In response to notice, assessee did not file return. Various opportunities were afforded to the assessee through notices under Section 142(1) of the Act but to no avail. On completion of proceedings vide order dated 19.11.2019 of Ld. AO, made addition of Rs.2,21,37,000/-.

3. Against order dated 19.11.2019 of Ld. AO, the appellant/assessee preferred appeal before Ld. CIT(A) which was patly allowed vide order dated 27.03.2024.

4. Being aggrieved, the appellant/assessee preferred present appeal.
5. Learned Authorised Representative for the appellant/assessee submitted that Ld. CIT(A) erred in confirming the part addition without appreciating that assessee had established the genuineness of loan taken and also the creditworthiness of the lenders by providing cross confirmation and their return of income. So, the matter may be sent back to the Ld. AO for verification.
6. Learned Authorised Representative for the Revenue had no objection.
7. From examination of record in light of aforesaid rival contentions, it is crystal clear that Ld. CIT(A) vide order dated 27.03.2024 confirmed the part addition made by Ld. AO vide order dated 19.11.2019. Despite several notices, the appellant/assessee failed to adduce evidence regarding genuineness of loans taken and creditworthiness of the lenders before Ld. AO. Appellant/assessee has requested for restoration of matter to the file of Ld. AO for verification. Learned Authorized Representative for the Revenue has no objection. In view of above material facts, in interest of justice, it is expedient to set aside the order dated 27.03.2024 of Ld. CIT(A) and dated 19.10.2019 of Ld. A.O. and restore the matter to the file of Ld. AO for verification and for passing fresh order in accordance with law after affording fair opportunity of hearing to appellant/assessee.
8. In the result, the appeal of assessee is allowed for statistical purposes.

***Order pronounced in the open court on 26<sup>th</sup> August, 2025.***

***SD/-***

**(S RIFAUR RAHMAN)  
ACCOUNTANT MEMBER**

***Sd/-***

**(VIMAL KUMAR)  
JUDICIAL MEMBER**

Dated: 28 August, 2025.  
Mohan Lal

Copy forwarded to:

1. Applicant
2. Respondent
3. CIT
4. CIT(A)
5. DR

Asst. Registrar, ITAT, New Delhi