

IN THE INCOME TAX APPELLATE TRIBUNAL "D" BENCH, KOLKATA
BEFORE SHRI RAJESH KUMAR, ACCOUNTANT MEMBER
AND
SHRI PRADIP KUMAR CHOUBEY, JUDICIAL MEMBER

ITA No.2662/KOL/2024

(निर्धारण वर्ष / Assessment Year : 2011-2012)

Beagle Trading Private Limited, 499/2-H/1, 2 nd floor, 18B, Pandav Nagar, F/F Plot No. 10-11-12, Vishwas Nagar, East Delhi-110032, Delhi	Vs	ITO, Ward 11(1), Kolkata
PAN No. :AAECB 3708 K		

(अपीलार्थी / Appellant)	..	(प्रत्यर्थी / Respondent)
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निर्धारिती की ओर से / Assessee by		Shri Miraj D Shah, AR
राजस्व की ओर से / Revenue by	:	Shri Sanat Kumar Raha, CIT-DR
सुनवाई की तारीख / Date of Hearing	:	01/09/2025
घोषणा की तारीख / Date of Pronouncement	:	09/09/2025

आदेश / O R D E R

Per Pradip Kumar Choubey, JM :

This is an appeal filed by the assessee against the order of Id. Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NAFC), New Delhi NFAC), Delhi dated 18.11.2024 in Appeal No.NFAC/2010-11/10052467 passed for Assessment Year 2011-12.

2. The assessee has raised the following grounds of appeal:

- “1. That on the facts and in circumstances of the case, the order dated 30.09.2021 as passed by the Income Tax Officer, Ward-20(1), New Delhi (hereinafter for the sake of brevity referred to as "The Ld. A.O." or "The Ld. Assessing Officer"] under section 143(3) read with section 263/254 of the income-tax Act, 1961 (hereinafter for the sake of brevity referred to as "The Act"] and as upheld by the Ld. Commissioner of Income Tax-(Appeals), National Faceless Appeal Centre (NFAC) (hereinafter for the sake of brevity referred to as The CIT-(A)") is bad at law and void ab initio.
2. That on the facts and in circumstances of the case, order passed under section 143(3) read with section 263/254 of the

Act dated 30.09.2021 is null and void as that order is without DIN and is violation of CBDT Circular No. 19/2019.

3. *That on the facts and circumstances of the case the Ld. CIT (A) erred in upholding the addition of Rs 18,53,20,500/- u/s 68, being the amount of share capital raised by the Appellant*
4. *That on the facts and circumstances of the case the Ld. CIT (A) erred in upholding the disallowance of Rs 16,199/- u/s 14A."*

3. At the outset, Id AR requested to remit the matter back to the file of the Assessing officer so that the assessee would be able to prove its case before the Assessing Officer by filing substantial documentary evidence in support of its claim.

4. On the other hand, Id CIT DR did not object to the request of Id AR of the assessee.

5. We have considered the rival submissions and perused the record of the case. On perusal of the impugned order, we notice that while adjudicating the share application transaction Assessing Officer had issued notices u/s.133(6) of the Act to the concerned persons for verification of source of the sources of investment but most of the notices were returned unserved with a postal remark either 'LEFT' or 'NO SUCH COMPNAY IN THIS ADDRESS' and those received the notices, did not response to such notice. Accordingly, the Assessing Officer could not verify the sources of the transaction. Accordingly, in the interest of justice and fair play, we restore this issue to the file of Id.AO for readjudication afresh after providing sufficient opportunities of the hearing to the assessee. The Assessing Officer shall conduct fresh independent enquiry and the assessee is directed to produce all the person concerned before the Assessing Officer

for verification of transaction in question. Thus, the appeal of the assessee is allowed for statistical purposes.

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

Order pronounced in the open court on 09/09/2025.

Sd/-
(RAJESH KUMAR)

लेखा सदस्य/ ACCOUNTANT MEMBER

Sd/-
(PRADIP KUMAR CHOUBEY)

न्यायिक सदस्य / JUDICIAL MEMBER

कोलकाता Kolkata; दिनांक Dated 09/09/2025

Prakash Kumar Mishra, Sr.P.S.

आदेश की प्रतिलिपि अग्रहित/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,

सत्यापित प्रति //True Copy//

(Assistant Registrar)

Income Tax Appellate Tribunal, Kolkata