

**IN THE INCOME TAX APPELLATE TRIBUNAL**  
**“PATNA BENCH, PATNA**  
**VIRTUAL HEARING AT KOLKATA**

**Before Shri Sonjoy Sarma, Judicial Member and Shri Rakesh Mishra, Accountant Member**

**I.T.A. No.367/Pat/2025**  
Assessment Year: 2011-12

**Krrish Distributors Pvt. Ltd..... Appellant**

54, Harihar Apartment,  
East Boring Canal Road, Patna,  
Bihar- 800001..

**[PAN: AADCK3250E]**

**vs.**

**ITO, Ward-2(1), Patna..... Respondent**

**Appearances by:**

Shri D. V. Pathy, Sr. Adv., appeared on behalf of the appellant.

Shri Ashwani Kr. Singal, JCIT, appeared on behalf of the Respondent.

Date of concluding the hearing : October 08, 2025

Date of pronouncing the order : October 09, 2025

**आदेश / ORDER**

**Per Sonjoy Sarma, Judicial Member:**

This appeal is directed by the assessee against the order dated 21.08.2024 passed by the NFAC under section 250 of the Income-tax Act, 1961.

2. Brief facts of the case are that the assessee is a Private Limited Company. In the case of the assessee the assessment was reopened under Section 148 of the Act on the ground that, during the year under consideration, the assessee had received unsecured loans amounting to ₹27,35,000, for which no satisfactory explanation or supporting evidence was furnished during the re-assessment proceedings. The Assessing Officer completed the assessment under Section 147 read

with Section 144, determining the total income at ₹32,50,320 after making an addition of ₹27,35,000 as unexplained cash credit.

3. The learned CIT(A) dismissed the appeal ex parte, observing that despite several opportunities, the assessee failed to comply with the notices of hearing. The CIT(A) upheld the assessment on merits due to non-prosecution.

4. Aggrieved by above order the assessee is in appeal before this tribunal. At the time of hearing the ld. A.R submitted that the orders of both the authorities below were passed ex parte, without granting a fair opportunity to present the case. It was contended that the assessee is now in a position to substantiate the loan transactions with proper evidences, and hence, a reasonable opportunity may be granted in the interest of justice.

5. On the other hand the learned DR. supported the orders of the lower authorities, stating that the assessee was given sufficient opportunities but failed to appear or file evidence.

6. We have considered the submissions of both parties and examined the material available on record. It is noted that the assessment as well as the appellate order were passed ex parte due to non-compliance by the assessee. However, in the interest of justice, the assessee deserves one more opportunity to substantiate its claim before the Assessing Officer. Accordingly, we deem it fit to set aside the impugned order and restore the matter to the file of the Assessing Officer for fresh adjudication. The Assessing Officer shall grant proper opportunity to the assessee to produce relevant documents and evidence in support of the loan transactions and decide the issue in accordance with law. The assessee is directed to appear and cooperate

in the proceedings as and when called for. In case of failure to do so, the Assessing Officer shall be at liberty to decide the matter on the basis of material available on record.

7. In view of the above, the appeal of the assessee is allowed for statistical purposes.

***Kolkata, the 9<sup>th</sup> October, 2025.***

Sd/-

**[Rakesh Mishra]**

लेखा सदस्य/Accountant Member

Sd/-

**[Sonjoy Sarma]**

न्यायिक सदस्य/Judicial Member

Dated: 09.10.2025.

RS

*Copy of the order forwarded to:*

1. Appellant -
2. Respondent -
3. CIT (A)-
4. CIT- ,
5. CIT(DR),

//True copy//

By order

Assistant Registrar, Kolkata Benches