

आयकर अपीलीय अधिकरण, कोलकाता पीठ, कोलकाता

IN THE INCOME TAX APPELLATE TRIBUNAL "A" BENCH KOLKATA

**Before Shri Rajesh Kumar, Accountant Member and
Shri Pradip Kumar Choubey, Judicial Member**

**ITA No.1737/Kol/2025
Assessment Year: 2012-13**

**Aashirwad Vincom Pvt. Ltd.....Appellant
C/o Subash Agarwa & Associates,
Advocates Siddha Gibson,
1, Gibson Lane, Suite 213,
2nd Floor, Kol- 69.
[PAN: AAHCA7511J]**

vs.

ITO, Ward-9(1), Kolkata.....Respondent

Appearances by:

Shri Siddharth Agarwal, Advocate, appeared on behalf of the appellant.
Shri Raja Sengupta, CIT-DR, appeared on behalf of the Respondent.

Date of concluding the hearing : October 07, 2025

Date of pronouncing the order : October 10, 2025

ORDER

Per Pradip Kumar Choubey, Judicial Member:

This appeal filed by the assessee is directed against the order dated 30.05.25 of the National Faceless Appeal Centre [‘CIT(A)'] passed under Section 250 of the Income-tax Act, 1961 (hereinafter referred to as “the Act”) for the assessment year 2012–13.

2. Brief facts of the case are that in this case, the return of income for the year under consideration was filed declaring a total loss of Rs.5,11,731/-. Subsequently, the case was selected for scrutiny through CASS for the reason, (i) to examine large interest expenses relatable to exempt investment u/s 14A, (ii) large value commodity exchange transactions and (iii) low net profit or loss shown from large gross receipts. Accordingly, notices u/s 143(2) & 142(1) of the Act were issued and the assessee company appeared and submitted primary details. On

verification of balance sheet, the Assessing Officer found that the assessee company had raised share capital of Rs.14,97,00,000/- during the F.Y under consideration and also debited Rs.17,22,211/- as late payment charges. Due to incapable of giving any clarification by the assessee regarding the increase in share capital during the year, the Assessing Officer added Rs.14,97,00,000/- u/s 68 of the Act to the income of the assessee.

3. Aggrieved by the said order, the assessee preferred an appeal before the ld. CIT(A) wherein the appeal has been dismissed by passing an ex parte order as there was no compliance on behalf of the assessee.

4. Aggrieved and dissatisfied, the assessee has come in appeal before us. The ld. AR instead of arguing on merits of the case has only prayed that the appeal of the assessee may be restored to the file of the ld. CIT(A) for fresh consideration by affording opportunity to the assessee of hearing as the order passed by the ld. CIT(A) is an ex parte order and not on the merits and also the assessee failed to prove its case before the ld. CIT(A).

5. The ld. DR did not raise any objection in remitting the appeal of the assessee to the file of the ld. CIT(A).

6. After hearing the submissions of the counsels of the respective parties and particularly on perusal of the order of the ld. CIT(A), it appears to us that there was no compliance before the ld. CIT(A) which has resulted into passing the ex-parte order by the ld. CIT(A). The assessee did not file any explanation in order to submit any response to the notices issued and the order of the ld. CIT(A) have not been passed on merits rather passed on technical issue. Under these circumstances, we are inclined to restore the appeal of the assessee to the file of the ld. CIT(A) for fresh consideration after affording opportunity to the assessee

of hearing. The assessee is directed to cooperate in the remand proceedings by submitting necessary explanations and evidences to substantiate its claim.

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

Kolkata, the 10th October , 2025.

Sd/-
[Rajesh Kumar]
Accountant Member

Sd/-
[Pradip Kumar Choubey]
Judicial Member

Dated: 10.10.2025.

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