

IN THE INCOME-TAX APPELLATE TRIBUNAL, SURAT BENCH, SURAT
BEFORE MS. SUCHITRA RAGHUNATH KAMBLE, JUDICIAL MEMBER &
SHRI BIJAYANANDA PRUSETH, ACCOUNTANT MEMBER

आयकर अपील सं./ITA No.460/SRT/2025

Assessment Year: 2011-12

(Hybrid hearing)

Anjana Enterprise 306-A, Centre Point Ring Road, Nr.Kadhiwala School, Surat-395 002	बनाम/ Vs.	Income Tax Officer, Ward- 1(2)(1), Surat, Aaykar Bhavan, Majura Gate, Surat-395 001
स्थायीलेखासं./जीआइआरसं./PAN/GIR No: AAHFA 6635 L		
(अपीलार्थी/Appellant)		(प्रत्यर्थी/Respondent)

निर्धारिती की ओर से /Appellant by	Shri Anil K. Shah, CA
राजस्व की ओर से /Respondent by	Shri Ajay Uke, Sr-DR
सुनवाई की तारीख/Date of Hearing	21/08/2025
उद्घोषणा की तारीख/Date of Pronouncement	17/11/2025

आदेश / ORDER

PER BIJAYANANDA PRUSETH, AM:

This appeal by the assessee emanates from the order passed under section 250 of the Income-tax Act, 1961 (in short, 'the Act'), dated 26.02.2025 by the Commissioner of Income-tax-Appeal Addl/JCIT(A)-3, Chennai [in short, 'CIT(A)'] for the assessment year (AY) 2011-12, which in turn arises out of assessment order passed by Assessing Officer (in short, 'AO') u/s 143(3) r.w.s. 147 of the Act dated 03.12.2018.

2. Grounds of appeal raised by the assessee are as under:

"1) The Id. CIT(A) has erred in confirming the addition of Rs.13,9,975/- being the contract income on the basis of Form No.26AS."

3. Facts of the case in brief are that assessee did not file return of income for AY 2011-12. However, the AO found from the information available on ITS

data-base that assessee had earned contract income of Rs.55,99,901/- during the FY 2010-11 (AY 2011-12). Hence, the case was reopened u/s 147 by issuing notice u/s 148 of the Act on 27.03.2018. In response to assessee filed a letter dated 01.06.2018 and submitted copy of return dated 01.06.2018 declaring total income at Rs.Nil. The objection of the assessee to the notice u/s 148 was rejected vide order dated 12.07.2018. Thereafter, notice u/s 142(1) was issued, but assessee did not comply to the said notice. The AO again issued show cause notice dated 20.06.2018. In response, the assessee filed reply denying having received the amount mentioned in Form-26AS. The AO issued notice u/s 133(6) to the parties from whom he received contract income but there was no reply from the said parties. In view of the above, AO allowed 75% of the receipt as expenses and added the remaining 25% as net income of the assessee. Accordingly, he added Rs.13,99,980/- to the total income of assessee.

4. Aggrieved by the order of AO assessee filed appeal before CIT(A) who issued various notices as mentioned in para-5 of the appellate order. The assessee submitted that the assessee-firm is closed since 31.03.2004 but the CIT(A) observed that assessee had continued to received credits from various entities as mentioned in para-6.3 of the appellate order. He observed that assessee is regularly carrying out business activities but it is not disclosing the income in its return of income. He did not accept the plea of the assessee and dismissed the appeal.

5. Aggrieved by the order of CIT(A), assessee has filed present appeal before the Tribunal. The Ld. AR has filed affidavit from the ex-partner of M/s Anjana Enterprises deposing that they have not received contract amount of Rs.55,90,901/- during the year under consideration. It is submitted that the firm had closed its business since last 12 years and the assessee had requested to AO vide letter dated 13.09.2018 (page-48) to cancel the PAN. The Ld. AR has reiterated the submission made before the lower authorities.

6. On the other hand, Ld. Sr-DR for the revenue relied on the orders of the lower authorities. He submitted that the Form-26AS makes it clear that appellant had received various amounts from Hindustan Petroleum Co. Ltd. (HPCL), which had not been shown in the return of income. The appellant has not brought any evidence on record to show that it had not received the aforesaid amount from HPCL. Therefore, the AO has rightly added the amount which was sustained by the CIT(A).

7. We have heard both the parties and perused the materials on record carefully. It is clear from the Form-26AS that various amounts aggregating to Rs.55,99,901/- were credited to the account of Anjana Enterprise bearing PAN: AAHFA 6635 L, from which TDS of Rs.1,11,998/- was deducted. The PAN in the Form-26AS matches with the PAN of the appellant. The Ld. AR has enclosed copy of the letter submitted to the AO on 13.09.2018 requesting to cancel the PAN. It is stated that copy of the Dissolution deed was also enclosed therewith. However, copy of the Dissolution deed is not filed by the Ld. AR. It is also not

understood as to why request for cancellation of PAN was made after more than 14 years and 6 months on 13.09.2018, if the company was dissolved on 31.03.2004. Therefore, the contention of the appellant is neither convincing nor supported by cogent evidences. However, in the interest of justice and fair play, the matter is restored to the file of CIT(A) for fresh adjudication. The appellant is directed to provide all bank statements and confirmation from the HPCL that it had not received any contract income from HPCL during the year under consideration. The CIT(A) may call for any other information or explanation from the appellant to arrive at a reasonable and logical conclusion on the subject issue. He should allow adequate and reasonable opportunity of hearing to the appellant. The assessee is also directed not to take adjournment without valid reason. This ground of assessee is allowed for statistical purposes.

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

Order pronounced in accordance with Rule 34 of ITAT Rules, 1963
on 17/11/2025 in the open court.

Sd/-
(SUCHITRA R KAMBLE)
न्यायिक सदस्य/JUDICIAL MEMBER

सूरत /Surat

दिनांक/ Date: 17/11/2025

Dkp Outsourcing Sr.P.S*

Sd/-
(BIJAYANANDA PRUSETH)
लेखा सदस्य/ ACCOUNTANT MEMBER

आदेश की प्रतिलिपि अग्रोधित/ Copy of the order forwarded to :

- अपीलार्थी/ The Appellant
- प्रत्यर्थी/ The Respondent
- आयकर आयुक्त/ CIT
- आयकर आयुक्त (अपील)/ The CIT(A)
- विभागीय प्रतिनिधि, आयकर अपीलीय आधिकरण, सूरत/ DR, ITAT, SURAT
- गार्ड फाईल/ Guard File

By order/आदेश से,

// True Copy //

सहायक पंजीकार
आयकर अपीलीय अधिकरण, सूरत