

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCHES 'G': NEW DELHI.**

**BEFORE SHRIS.RIFAUR RAHMAN, ACCOUNTANT MEMBER
and
SHRI VIMAL KUMAR, JUDICIAL MEMBER**

**ITA No.3103/Del/2024
(Assessment Year: 2015-16)**

**ITA No.3104/Del/2024
(Assessment Year: 2015-16)**

**ITA No.3105/Del/2024
(Assessment Year: 2016-17)**

**ITA No.3106/Del/2024
(Assessment Year: 2016-17)**

Income Tax Officer,
Delhi.

vs.

Super Plastronics Private Limited,
S – 24, Ground Floor,
Okhla Industrial Area, Phase II,
Delhi – 110 020.

(PAN : AACFS9943C)

(APPELLANT)

(RESPONDENT)

ASSESSEE BY : None

REVENUE BY : Ms. Meenakshi Dohare, CIT DR

Date of Hearing : 27.11.2025

Date of Order : 27.11.2025

ORDER

PER S. RIFAUR RAHMAN, ACCOUNTANT MEMBER :

1. The Revenue has filed appeals against the order of the Learned Commissioner of Income-tax (Appeals)/National Faceless Appeal Centre,

Delhi [“Ld. CIT(A)”, for short] dated 30.04.2024 & 09.05.2024 for the Assessment Years 2015-16 & 2016-17 respectively in the quantum addition and the Revenue has also filed appeals against the order of Id. CIT (A) dated 30.04.2024 & 09.05.2024 for AYs 2015-16 & 2016-17 respectively rejecting the penalty orders passed u/s 271(1)(c) of the Income-tax Act, 1961 (for short ‘the Act’).

2. Since the issues are common and the appeals are connected, hence the same are heard together and are being disposed off by this common order. First we take up the Revenue’s appeal in Assessment Year 2015-16 in quantum addition.
3. None appeared on behalf of the assessee and it was noticed that from 07.10.2024 onwards, none appeared on behalf of the assessee except adjournment letters were filed for seeking adjournments.
4. At the time of hearing, Id. DR of the Revenue brought to our notice that Id. CIT (A) has allowed the appeal preferred by the assessee on the basis that Assessing Officer received information from ITBA portal for the reason that assessee had not filed its return of income for the assessment years under consideration although assessee had entered into significant financial transactions. PAN quoted by the Assessing Officer is AACFS9943C having the status of a firm. He observed that assessee which is a private limited company was initially allotted PAN :

AACFF9943C which was a PAN meant for firms, therefore, the said PAN was discontinued and proper PAN was correctly pertained to a private limited company was allotted to it. Since AY 2005-06 onwards assessee company was regularly filing its return of income with PAN : AACCS1710N. He further observed that for AY 2015-16, the assessee had filed return of income with abovesaid PAN relating to the company on 30.09.2015 declaring income of Rs.78,54,920/- and the case was assessed u/s 143(3) of the Income-tax Act, 1961 (for short 'the Act') by the DCIT, Circle 24 (2), New Delhi vide order dated 28.12.2017 declaring total income at Rs.85,27,360/-. The assessee has been deriving income from manufacture and sale of electronic items including computer hardware. Further he observed that the bill of entry as noticed and taken for consideration by the Assessing Officer depicted the PAN number of the assessee company. A reference to that PAN number would have revealed the fact that the assessee company had filed its return of income and subsequently assessed u/s 143(3) of the Act. The Assessing Officer also did not carry out any search on the NMS data base - wise which would again have revealed the fact that the assessee had not defaulted in filing the return of income and thereby overruling the possibility of escapement of income. He further observed that Assessing Officer has not carried any verification of the information as stated to

have been received from anonymous data. There was total lack of enquiry and application of mind at the part of the Assessing Officer and the Assessing Officer has blindly followed the anonymous data. Accordingly, he treated the notice u/s 148 as invalid and illegal and accordingly, held that the assessment order passed by the Assessing Officer relying on such notice is *void ab initio*.

5. Ld. DR of the Revenue submitted that ld. CIT (A) has deleted the addition on technical ground without appreciating the fact that the assessee has made significant transaction against the PAN number of the firm for the year under consideration. She submitted that even though several notices were issued to the assessee and it is also fact on record that firm has not filed any return of income, however the firm PAN number was used to import huge quantity of material, therefore, she prayed that the issue may be remitted back to the Assessing Officer to verify whether the assessee has declared the above said imports in their books of account. It needs proper verification and merely deleting the reassessment proceedings without giving proper opportunity to the Assessing Officer is also bad in law and she prayed accordingly.
6. Considered the submissions of the ld. DR of the Revenue and material available on record. None present on behalf of the assessee and assessee was continuously taking adjournments and today also none appeared on

behalf of the assessee. We proceeded to adjudicate the issue with the assistance of Id. DR.

7. We observe that the Assessing Officer received information from AIMS module of ITBA under the head 'multiple NMS' and through the abovesaid information, he observed that assessee had entered into significant financial transactions which warrants assessee to mandatory file its return of income for AY 2015-16 and other assessment years under consideration. Based on the above information, notice u/s 148 was issued to the assessee with the observation that the assessee had not filed its return of income based on the non-filer management system and based on the above, he observed that bill of entry for imports for assessable imports value during the FY 2014-15 was noticed. Since assessee has not filed return of income, notices were issued. Even after issuing several notices, none appeared on behalf of the assessee. Based on that, assessment was completed u/s 144/147 of the Act by making addition of the imports declared, as the assessee failed to explain the source of expenditure to that extent. Accordingly, he proceeded to make the addition u/s 69C of the Act to the extent of Rs.31,69,70,790/-. Aggrieved assessee preferred an appeal before the Id. CIT (A) and Id. CIT (A) allowed the appeal of the assessee on the basis that the Assessing Officer has not verified the information available on NMS data and issued the

notice without application of mind and accordingly he deleted the addition. Aggrieved Revenue is in appeal before us.

8. Ld. DR brought to our notice that assessee has imports and entered financial transactions using the PAN number of the firm. Since the PAN also was not surrendered and it is not clear whether the assessee has imported the abovesaid goods and whether it is forming part and parcel of the financial statements of the present assessee company that company registered with PAN : AACCS1710N. We observe that there is merit in the claim of the ld. DR that assessee has utilised PAN of the firm to import and in our considered view, if the abovesaid imports were already recorded in the financial records of the existing company then there is no requirement of addition u/s 69C. This being a factual matter, we are inclined to remit this issue to the Assessing Officer to verify whether the imports made by the assessee and whether utilising PAN of the firm or PAN of the company, he has to verify with all the financial transactions involving both the PAN are recorded in the books of account then in case it is found proper, there is no requirement to make any addition. We direct the assessee also to file relevant information before the Assessing Officer and needless to say that Assessing Officer may extend the benefit of being heard to the assessee. We order accordingly.

9. In the result, the appeal filed by the Revenue for AY 2015-16 in quantum addition is allowed for statistical purposes.
14. With regard to appeal for AY 2016-17 in quantum addition, since the facts in AY 2016-17 are exactly similar to Assessment Year 2015-16, our above findings in AY 2015-16 are applicable *mutatis mutandis* in Assessment Year 2016-17. Accordingly, the appeal filed by the Revenue for AY 2016-17 is allowed for statistical purposes.
10. With regard to appeals for AYs 2015-16 & 2016-17 in the penalty proceedings u/s 271(1)(c) of the Act, since we have restored back the Revenue's appeals for the instant assessment years on the quantum addition, the appeals filed in the penalty proceedings are also restored back to the file of Assessing Officer.
11. To sum up : all the appeals filed by the Revenue are allowed for statistical purposes.

**Order pronounced in the open court on this 27th day of November, 2025
after the conclusion of the hearing.**

**Sd/-
(VIMAL KUMAR)
JUDICIAL MEMBER**

**sd/-
(S.RIFAUR RAHMAN)
ACCOUNTANT MEMBER**

**Dated: 28.11.2025
TS**

Copy forwarded to:

1. Appellant
2. Assessee
3. CIT
4. CIT(Appeals).
5. DR: ITAT

ASSISTANT REGISTRAR
ITAT, NEW DELHI