

**IN THE INCOME TAX APPELLATE TRIBUNAL
KOLKATA 'C' BENCH AT KOLKATA**

Before

**SHRI GEORGE MATHAN, JUDICIAL MEMBER
&
SHRI RAKESH MISHRA, ACCOUNTANT MEMBER**

**ITA No.: 2829/KOL/2025
Assessment Year: 2014-15**

Neelkamal Commodities Pvt. Ltd.	Vs.	I.T.O., Ward-6(1), Kolkata
<i>(Appellant)</i>		<i>(Respondent)</i>
PAN: AACCN4636J		

Appearances:

Assessee represented by : Vinit Jalan CA and
Shashi Agarwal, CA.

Department represented by : Praveen Kishore, CIT (DR).

Date of concluding the hearing : 05-February-2026

Date of pronouncing the order : 11-February-2026

ORDER

PER RAKESH MISHRA, ACCOUNTANT MEMBER:

This appeal filed by the Assessee is against the order of the Commissioner of Income Tax (Appeals)-NFAC, Delhi [hereinafter referred to as Ld. 'CIT(A)'] passed u/s 250 of the Income Tax Act, 1961 (hereinafter referred to as 'the Act') for AY 2014-15 dated 25.03.2024.

1.1 The Registry has informed that the appeal is barred by limitation by 514 days. The assessee has filed an affidavit for condonation of delay explaining the reasons that the NFAC, Delhi has passed the appeal order on 25.03.2024 without issuing any notice of hearing which was passed after a lapse of four years from the earlier notice dated 03.03.2020. The assessee was under the belief that the professional who was looking after the income tax matters would take necessary and timely action and due to his negligence and the Accounts Officer whose e-mail address was used in Form No. 35 leaving the company without



any communication, the assessee was not aware about the appeal order. The assessee came to know about the order only when a demand letter was received by the company. The assessee, therefore, prayed before the Bench to condone the delay in filing the appeal before the ITAT. After perusing the same, we are satisfied that the assessee had a reasonable and sufficient cause and was prevented from filing the instant appeal within the statutory time limit. We, therefore, condone the delay and admit the appeal for adjudication.

2. The Assessee is in appeal before the Tribunal raising the following grounds of appeal:

“1. That on the facts and in the circumstances of the case and in law, the Ld. CIT(A), NFAC, Delhi has erred in passing an ex-parte order without issuing any notice of hearing as required under section 250 of the Income-tax Act, 1961, and in mechanically confirming the action of the Ld. AO, which is without jurisdiction, illegal, and void ab initio.

2. That on the facts and in the circumstances of the case and in law, the Ld. CIT(A), NFAC, Delhi has erred in dismissing the appeal by passing an ex-parte order without properly and effectively adjudicating the case on merits.

3. That on the facts and in the circumstances of the case and in law, the Ld. CIT(A), NFAC, Delhi has erred in passing an ex-parte order dated 25.03.2024 on the basis of a notice earlier issued by the then CIT(A), Kolkata-16 on 03.03.2020, after a lapse of more than four years, and in thereby confirming the action of the Ld. AO, which is without jurisdiction, illegal, and void ab initio.

4. That on the facts and circumstances of the case and in law, the Ld. CIT (A) - NFAC, Delhi has erred in passing ex-parte order in confirming the assessment order passed by Ld. AO u/s 144 the assessment order U/s 144, despite the same being without jurisdiction, illegal, void ab initio.

5. That, on the facts and circumstances of the case and in law, the ld. CIT(A) NFAC, Delhi has erred by passing ex-parte order in dismissing the appeal without considering that the entire assessment proceedings were conducted in a hurried and mechanical manner without allowing proper and reasonable opportunity of hearing in violation of the principals of natural justice.



6. That, on the facts and circumstances of the case and in law, the ld. CIT(A) NFAC, Delhi has erred by passing ex-parte order without appreciating that the assessee had duly appeared before the Ld. AO on 20.10.2016 and submitted physical replies along with required documents. These submissions were neither considered nor discussed in the assessment order. Furthermore, the same documents were also filed physically before the Ld. CIT(A), Kolkata-2 vide letter dated: 10.10.2017. Non-consideration of such evidences renders the assessment order bad in law and violative of the principles of natural justice.

7. That, on the facts and circumstances of the case and in law, the ld. CIT(A)NFAC, Delhi has erred by passing ex-parte order in confirming the addition of ₹1,02,00,000/- made u/s 68 on account of investment made by the Appellant company by treating it as unexplained credit.

8. That, on the facts and circumstances of the case and in law, the ld. CIT(A) NFAC, Delhi has erred by passing ex-parte order in confirming the addition of ₹1,02,00,000/- made u/s 68 as unexplained credit despite the fact that the Ld. Income Tax Officer, Ward-6(1), at page 2, para A of the assessment order, has categorically accepted that the Appellant company received ₹1,50,00,000/- as deposits from the Developers, out of which 21,02,00,000/- was invested in the purchase of unlisted shares and the balance amount of 248,00,000/- was duly disclosed under cash/bank balances.

9. That, on the facts and circumstances of the case and in law, the ld. CIT(A)NFAC, Delhi has erred by passing ex-parte order in confirming the addition of ₹1,76,051/- under the head "Other Expenses" on an ad hoc basis, merely on the ground that there was no commercial activity during the year and no deduction under employee benefit during the instant year.

10. That the CIT(A) erred by passing ex-parte order in confirming the interest u/s 234B of the Income Tax Act, 1961 the same was unjustified and hence the same be deleted or recalculated as per law.

11. The appellant craves leave to produce additional evidences in terms of Rule 29 of the Income Tax (Appellate Tribunal) Rules 1963.

12. The appellant craves to press new, additional grounds of appeal or modify, withdraw any of the above grounds at the time of hearing of the appeal."

3. Brief facts of the case are that the assessee is a private limited company registered under the Companies Act and had filed its return of income for AY 2014-15 showing total income of ₹17,940/-. The case was selected for scrutiny through Computer Assisted Scrutiny Selection



(in short 'CASS') and a notice u/s 143(2) of the Act was issued to the assessee which returned unserved. The Assessing Officer (hereinafter referred to as Ld. 'AO') noted that the opening balance of capital as on 01.04.2013 was ₹3,99,27,750/- which closed at ₹3,99,45,711/-. During the year, the assessee reported receipts of ₹1.50 Crore as deposits from developers which amount was applied for purchases of unlisted equity shares and the balance of ₹48 Lakh was shown under the head cash/bank balance. The Ld. AO further noted that a sum of ₹1,02,00,000/- was credited in the books of account but the assessee failed to produce the documentary evidences during the assessment proceedings and accordingly, added the same to the total income of the assessee u/s 68 of the Act. The Ld. AO also disallowed an amount of ₹1,76,051/- claimed under the head other expenses and added it back to the total income of the assessee and assessed the total income of the assessee at ₹1,03,93,991/- u/s 144 of the Act. Aggrieved with the assessment order, the assessee filed an appeal before the Ld. CIT(A) who dismissed the appeal of the assessee by holding that since the assessee failed to produce any documentary evidence in support of the deposits received and the application of the sum in investment, therefore, the Ld. AO had rightly treated the amount of ₹1,02,00,000/- as unexplained credits u/s 68 of the Act and also confirmed the disallowance of ₹1,76,051/- made by the Ld. AO.

4. Aggrieved with the order of the Ld. CIT(A), the Assessee has filed the appeal before the Tribunal.

5. Rival contentions were heard and the submissions made have been examined. The Ld. AR submitted that both at the stage of assessment proceedings as well as before the Ld. CIT(A), the required



submission could not be made. It was submitted that another opportunity may be granted and the matter may be remanded to the Ld. AO. A letter in this regard was also filed as under during the course of the hearing of the appeal:

“Date 05.02.2026

To The Hon'ble ITAT, Kolkata
Bench – ‘C’
KOLKATA

Respected Sir

Ref: ITA/2829/KOL/2025/AY. 2014-15

Sub: allowing the Appeal by NEELKAMAL COMMODITIES Pvt. Ltd.
I would like to submit, that the Ld. CIT(A) (NFAC) has passed ex-parte order and ld. AO has also passed order u/s 144 and hence it is humbly requested to grant an opportunity before AO for the sake of natural justice.

Hon'ble Tribunal may impose a cost of Rs.25,000/ and the same will be paid as per direction of Hon'ble Tribunal.

For this Act & kindness, I will be highly obliged.

Thanking you

yours truly

Vinit Jalan

FCA”

5.1 This being so, the Bench was of the view that in the interest of justice and fair play, another opportunity of being heard may be provided to the assessee as the required submissions were not considered. Hence, the order of the Ld. CIT(A) is hereby set aside and all the issues in this appeal are restored to the file of the Ld. AO for making the assessment *de novo*, subject to the assessee paying a cost of ₹25,000/- (Rupees Twenty Five Thousand) to the Legal Aid Services,



3rd Floor of the Centenary Building, High Court, Calcutta - 700001, within sixty days from the date of this order and to produce the receipt of the same before the Ld. AO on the date of the first hearing as there were defaults before both the Ld. AO as well as before the Ld. CIT(A). In case the assessee does not pay the above-mentioned cost of ₹25,000/- within the prescribed period of sixty days from the date of this order, the Ld. AO shall be at liberty to draw adverse inference. The assessee shall also file evidence in support of the relief claimed against other additions made, which shall be examined by the Ld. AO for appropriate decision as per law. Hence, all the grounds of appeal raised are partly allowed for statistical purposes.

6. In the result, the appeal filed by the Assessee is partly allowed for statistical purposes.

Order pronounced in the open Court on 11th February, 2026.

Sd/-

[George Mathan]
Judicial Member

Sd/-

[Rakesh Mishra]
Accountant Member

Dated: 11.02.2026

Bidhan (Sr. P.S.)



Copy of the order forwarded to:

1. **Neelkamal Commodities Pvt. Ltd., 11A, Abinash Chandra Banerjee Lane, Poolbagan, Kolkata, West Bengal, 700010.**
2. **I.T.O., Ward-6(1), Kolkata.**
3. CIT(A)-NFAC, Delhi.
4. CIT-
5. CIT(DR), Kolkata Benches, Kolkata.
6. Guard File.

// True copy //

By order

Assistant Registrar
ITAT, Kolkata Benches
Kolkata