

आयकर अपीलीय अधिकरण "बी" न्यायपीठ पुणे में ।
IN THE INCOME TAX APPELLATE TRIBUNAL "B" BENCH, PUNE

(Through Virtual Court)

BEFORE SHRI R.S. SYAL, VICE PRESIDENT
AND
SHRI S.S. VISWANETHRA RAVI, JUDICIAL MEMBER

आयकर अपील सं. / ITA No.1136/PUN/2018

निर्धारण वर्ष / Assessment Year : 2014-15

M/s. Nandan VSP Developers,
Flat No. 1, Nandadeep Apartments,
S. No. 82-2, Prabhat Road,
Erandwane, Pune-411004

PAN : AAIFN6404D

.....अपीलार्थी / Appellant

बनाम / V/s.

ITO, Ward-3(1),
Pune

.....प्रत्यर्थी / Respondent

Assessee by : N O N E
Revenue by : Shri Vitthal Bhosale

सुनवाई की तारीख / Date of Hearing : 19-07-2021

घोषणा की तारीख / Date of Pronouncement : 23-07-2021

आदेश / ORDER

PER S.S. VISWANETHRA RAVI, JM :

This appeal by the assessee against the order dated 25-04-2018 passed by the Commissioner of Income Tax (Appeals)-3, Pune [‘CIT(A)'] for assessment year 2014-15.

2. We find no representation on behalf of the assessee nor any application filed seeking adjournment. The assessee called absent and set

ex-parte. Therefore, we proceed to hear the ld. DR and pass order basing on the material available on record.

3. The only issue raised by the assessee is as to whether the CIT(A) justified in upholding the order of AO in reducing Rs.1,90,84,020/- from balance of Work-in-Progress on account of interest receivable from partners in the facts and circumstances of the case.

4. Heard ld. DR and perused the material available on record. We note that the assessee is a firm conducts its business by name and style M/s. Nandan VSP Developers and is engaged in the business of promoter and developer. The assessee filed return of income declaring a total income at Nil. Under scrutiny, the AO determined the total income of the assessee at Nil but reduced the work in progress for the current year at Rs.37,84,36,772/- against Rs.39,75,20,792/- as claimed by the assessee in the return of income. The assessee challenged the same before the CIT(A). We note that there was no representation on behalf of the assessee before the CIT(A) and the CIT(A) decided the issue ex-parte of the assessee. We find the issue raised before this Tribunal as against the order of CIT(A) requires assistance of assessee by relevant documentary evidences but the CIT(A) decided the issue without there being any evidences shown by the assessee. It is clear that the ld. CIT(A) dismissed the appeal of the assessee on the ground of non prosecution. It is, therefore, clear that rights and liabilities of the parties were not adjudicated upon on merits. We are of the considered view that one more opportunity needs to be given to the assessee to represent his case on merits so that justice can be delivered.

5. In view of the facts and circumstances of the case, we set aside the order of Id. CIT(A) and restore the matter to his file for fresh adjudication to pass order after providing sufficient opportunity of hearing to the assessee. At the same time, we direct the assessee to make presence before the Id. CIT(A) with relevant documentary evidences, if any, to represent its case on merits.

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

Order pronounced in the open court on 23rd July, 2021.

Sd/-
(R.S. Syal)
VICE PRESIDENT

Sd/-
(S.S. Viswanethra Ravi)
JUDICIAL MEMBER

पुणे / Pune; दिनांक / Dated : 23rd July, 2021.

RK

आदेश की प्रतिलिपि अग्रेषित / Copy of the Order forwarded to :

1. अपीलार्थी / The Appellant.
2. प्रत्यर्थी / The Respondent.
3. The CIT(A)-3, Pune
4. The Pr. CIT-2, Pune
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, "बी" बेंच,
पुणे / DR, ITAT, "B" Bench, Pune.
6. गार्ड फ़ाइल / Guard File.

//सत्यापित प्रति// True Copy//

आदेशानुसार / BY ORDER,

निजी सचिव / Private Secretary,
आयकर अपीलीय अधिकरण, पुणे / ITAT, Pune