OD-15

IA No: GA/1/2025
ITAT/144/2025
THE HIGH COURT AT CALCUTTA
SPECIAL JURISDICTION (INCOME TAX)
ORIGINAL SIDE

Front Line Vyapar Private Limited
Versus
The Principal Commissioner of Income Tax – I, Kolkata

Before:
The Hon'ble JUSTICE SOUMEN SEN, CHIEF JUSTICE (ACTING)
And
The Hon'ble JUSTICE RAJA BASU CHOWDHURY
Date: 18th September 2025

Appearance:
Mr. Avra Mazumder, Advocate
Mr. Gidhar Dhelia, Advocate
Ms. Aisha Das, Advocate
for the appellant
Mr. Tilak Mitra, Advocate
Mr. Prithu Dudhoria, Advocate
for the respondent

The Court: 1. Challenging the order dated 16th June, 2025 passed by the Income Tax Appellate Tribunal 'B' Bench, Kolkata in ITA No. 1468/Kol/2024 for the assessment year 2012-13, this appeal has been filed.

2. In this case assessment had been completed under Section 143(3) of the Income Tax Act, 1961 (hereinafter referred to as the "said Act") on 23rd March, 2015.

3. It is noticed that the assessee had raised fresh paid up share capital of Rs.2,25,00,000/- including share premium during the relevant assessment year. The assessing officer had treated the entire amount of Rs.2,25,00,000/- as unexplained credit in the books of the assessee and added the same to the total income under Section 68 of the said Act. On an appeal, the CIT(A) had called for a remand report on the substantial documents produced before the CIT(A) by the assessee from the assessing officer.

4. The tribunal found that though initially documents were submitted there was no cooperation before the assessing officer. The order for remand reference is dated 8th June, 2022 and the remand report is dated 24th June, 2022. The assessing officer could not have done anything in such a short time. No personal appearance had been made before the assessing officer, though personal appearance was repeatedly sought for. There was no explanation for acceptance of the documents.

5. Having regard to the fact that the primary condition under Rule 46A of the Income Tax Rules was not followed and the assessee is under

obligation to explain the reason for its inability to provide all the documents before the learned Assessing Officer and also having regard to the fact that the directors and other share applicants or the authorities in connection with the share applicants have violated the notice under section 131 of the Income Tax Act, we are not inclined to admit the appeal, especially when the issue in the appeal has been restored to the file of the assessing officer by partly allowing the appeal filed by the revenue.

6. Accordingly the appeal stands dismissed.

7. IA No: GA/1/2025 is also dismissed.

(SOUMEN SEN, CJ (ACTING))

(RAJA BASU CHOWDHURY, J.)

akg/R. Bose