

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

Before

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

**ITA No(s). 215/KOL/2025
Assessment Year(s) 2016-17**

Addhya Forex (P) Ltd. (Appellant)	Vs.	ITO, Ward-8(1), Kolkata (Respondent)
PAN: AAICA4014H		

Appearances:

Assessee represented by : Swati Baid, CA.

Department represented by : Anup Biswas, CIT, DR.

Date of concluding the hearing : 16-March-2026

Date of pronouncing the order : 06-April-2026

ORDER

PER RAKESH MISHRA, ACCOUNTANT MEMBER:

This appeal filed by the assessee is against the order of the Commissioner of Income Tax (Appeals)- 20, Kolkata [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 2016-17 dated 30.09.2024.

1.1 The Registry has informed that the appeal is barred by limitation by 60 days. The assessee has filed a petition for condonation of delay explaining the reasons that the assessee had bestowed the responsibility with regards to the appeal before the Ld. CIT(A) on the tax consultant and he was not aware of the fact that the notices with respect to the proceedings before the Ld. CIT(A) had not been responded by the consultant. The assessee came to know about the appeal order dated 30.09.2024 in the month of January, 2025 and requested the Bench to condone the delay of 58 days in filing the appeal before the Tribunal. 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. For that on the facts and circumstances of the case, the Ld. CIT(A) was not justified in passing an ex-parte order and confirming the order passed by the A.O. u/s. 147 dated 23.08.2019

2. For that on the facts and circumstances of the case, the assessment order passed u/s 147 r.w.s 144 is bad in law

3. For that on the facts and circumstances of the case, the instant reassessment is merely a change of opinion as an assessment was already completed u/s 143(3) vide order dated 17.12.2018.

4. For that on the facts and circumstances of the case, the notice u/s 148 is invalid inasmuch as the same is issued by the Jurisdictional Assessing Officer.

5. For that on the facts and circumstances of the case, the reasons recorded before the initiation of the assessment proceedings are improper.

6. Without prejudice to the above, reassessment proceedings have again been initiated against the assessee vide an order u/s 148A(d) dated 25.11.2024 and thus, the assessment order passed u/s 147 r.w.s 144B dated 22.05.2023 stands infructuous.

7. For that on the facts and in the circumstances of the case, the Ld. CIT(A) was not justified in confirming the action of the A.O of making the addition of Rs. 92,67,72,381/- as unexplained money by wrongly invoking the provisions of sec 69A of the Act.

8. The appellant craves leave to add, alter or delete all or any of the grounds of appeal”

3. Brief facts of the case as culled out from the order of the Ld. CIT(A) mentioned in the statement of facts are that the appeal was against the order u/s 147 read with section 144B of the Act dated 22.05.2023 passed by Assessment Unit, Income Tax Department for the AY 2016-17. The assessee company is a FFMC (Full-Fledged Money Changer)



approved and licensed by the Reserve Bank of India and is engaged in the business of buying and selling foreign currencies, travellers' cheques etc. under the regulations of RBI. The assessee company is engaged in buying foreign currencies from Banks, General Public and other Authorized Dealers and sells the same to various FFMC, Retail Participants as per stipulations provided under the RBI Regulations. The Accounts of the assessee company were audited under the Companies Act and under section 44AB of the Act. The assessee had filed its income tax return u/s 139(1) of the Act on 05.01.2017 declaring total income of ₹2,40,500/-. The return was originally assessed u/s 143(3) of the Act vide Order dated 17.12.2018 passed by the ITO-Ward-15(1), Kolkata. The assessment was reopened u/s 147 of the Act and the Assessing Officer (hereinafter referred to as Ld. 'AO') issued notices u/s 143(2) and 142(1) of the Act and required the assessee to substantiate with documentary evidences with respect to the credit entries appearing in the assessee's bank accounts but the assessee remained non-compliant. In absence of the documentary evidences and explanation, total credits of ₹92,67,72,381/- by credit of ₹74,40,59,927/- in its Axis Bank Ltd A/C No. 913020040685963, by credit of ₹18,15,62,454/- in its Axis Bank Ltd A/C No. 915020034728755, and by credit of ₹11,50,000/- in its ICICI Bank A/C No. 18705500265, were treated as unexplained money in the hand of the assessee and the same were added to the total income of the assessee as per the provisions of section 69A of the Act as no explanation with regard to the source of funds was provided by the assessee. The Ld. AO assessed the total income of the assessee at ₹92,70,12,880/- u/s 147 r.w.s. 143(3) r.w.s. 144B of the Act. Aggrieved with the assessment order, the assessee filed an appeal before the Ld.



CIT(A), who considered the submissions and noted that neither before the Ld. AO nor before the Ld. CIT(A) despite being provided several opportunities the assessee responded and he found merits in the assessment order by treating the cash deposits u/s 69A of the Act as the assessee could not substantiate the source of funds and dismissed the appeal and dismissed the appeal.

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. It was stated that a survey was carried out on 19.05.2023, on the basis of which reassessment proceedings were initiated. However, the case was not properly represented before the Ld. AO nor even before the Ld. CIT(A) on account of miscommunication between the assessee and the tax consultant and the Ld. AR requested that another opportunity may be provided and the matter may be remanded to the Ld. AO.

6. We have considered the facts of the case, the submissions made and the documents filed. Since no compliance was made before the Ld. AO as well as before the Ld. CIT(A) and both the orders are in effect *ex parte* orders, therefore, in the interest of justice and fair play it was considered that the request of the assessee to set aside the case before the Ld. AO may be allowed so that a proper opportunity of being heard may be provided. Hence, after examining the facts of the case, we deem it appropriate to set aside the order of the Ld. CIT(A) and remit the matter back to the Ld. AO for making the reassessment *de novo*. Needless to say, the assessee shall be given a reasonable opportunity of being heard to make any further submission it wants to make in



support of its grounds of appeal and shall not seek unnecessary adjournments. Accordingly, the grounds taken by the assessee in the appeal are partly allowed for statistical purposes.

7. In the result, the appeal filed by the assessee is partly allowed for statistical purposes.

Order pronounced in the open Court on 6th April, 2026.

Sd/-

[George Mathan]
Judicial Member

Sd/-

[Rakesh Mishra]
Accountant Member

Dated: 06.04.2026

Bidhan (Sr. P.S.)



Copy of the order forwarded to:

1. **Addhya Forex (P) Ltd., 11/1A, Marquis Park Street, Kolkata, West Bengal, 700016.**
2. **ITO, Ward-8(1), Kolkata.**
3. CIT(A)-20, Kolkata.
4. CIT-
5. CIT(DR), Kolkata Benches, Kolkata.
6. Guard File.

// True copy //

By order

Assistant Registrar
ITAT, Kolkata Benches
Kolkata