

**IN THE INCOME TAX APPELLATE TRIBUNAL  
RAIPUR BENCH, RAIPUR  
BEFORE SHRI R. K. PANDA, ACCOUNTANT MEMBER  
AND  
MS. SUCHITRA KAMBLE, JUDICIAL MEMBER**

**ITA No.133/RPR/2015  
Assessment Year : 2011-12**

Mallapureddi Chalpati Rao, M/s. Ratnam Industries, HIG-18, Maruri Enclave, Tatibundh, Raipur (CG).	<b>Vs.</b>	DCIT- 1(1), Raipur (CG).
<b>PAN : AFHPR4931H</b>		
<b>(Appellant)</b>		<b>(Respondent)</b>

Assessee by : Shri R.B. Doshi, CA  
Department by : Shri Sanjay Kumar, DR  
Date of hearing : 13-08-2018  
Date of pronouncement : 13-08-2018

**ORDER**

**PER R. K. PANDA, AM :**

This appeal filed by the assessee is directed against the order dated 07.10.2015 of the Id. CIT(A)- 1, Raipur (CG) relating to assessment year 2011-12.

2. The assessee in his various grounds of appeal has challenged the order of the Id. CIT(A) in confirming the various additions made by the Assessing Officer and dismissing the appeal filed by the assessee.

3. The Id. counsel for the assessee, at the outset, submitted that the assessee is an individual and filed his return of income on 30.09.2011 declaring total income of Rs.37,17,360/-. The Assessing Officer in the order passed u/s 143(3)

on 27.03.2013 determined the total income at Rs.42,12,350/- wherein he made addition of Rs.2,00,000/- on account of capital gain, Rs.87,677/- on ah-hoc basis out of telephone and mobile expenses, Rs.1,10,380/- on ad-hoc basis out of vehicle expenses and Rs.73,828/- on ad-hoc basis out of expenditure on tour, travelling and conveyance. Since none appeared on behalf of the assessee before the Id. CIT(A), the Id. CIT(A), in his *ex-parte* order, dismissed the appeal filed by the assessee and upheld the various additions made by the Assessing Officer. He submitted that although the Id. CIT(A) while dismissing the appeal filed by the assessee due to non-appearance has decided the issue on merit, however, in the interest of justice, the matter should be restored to the file of the Id. CIT(A) with a direction to give one final opportunity to the assessee to substantiate his case.

4. The Id. DR on the other hand submitted that despite three opportunities granted by the Id. CIT(A) the assessee never bothered to appear before the him. Further, Id. CIT(A) has passed the order on merit. Therefore, the same should be upheld.

5. We have considered the rival arguments made by both the sides and perused the material available on record. It is an admitted fact that the Id. CIT(A) had given opportunity to the assessee on three times and, there was no compliance for which he passed the *ex-parte* order dismissing the appeal filed by the assessee. Further, while dismissing the appeal, he has decided the issue

on merit on the basis of material available on record. However, considering the totality of the facts of the case and in the interest of justice, we deem it proper to restore the issue to the file of the ld. CIT(A) with a direction to give one final opportunity to the assessee to substantiate his case. The assessee is also hereby directed to appear before the ld. CIT(A) and not to seek any adjournment under any pretext failing which the ld. CIT(A) is at liberty to pass appropriate order as per law. We hold and direct accordingly. The grounds raised by the assessee are accordingly allowed for statistical purposes.

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

Order pronounced in the open Court at the time of hearing itself i.e. on this 13<sup>th</sup> August, 2018.

**Sd/-**  
(SUCHITRA KAMBLE)  
JUDICIAL MEMBER

**Sd/-**  
(R. K. PANDA)  
ACCOUNTANT MEMBER

Dated: 13-08-2018.

*Sujeet*

*Copy of order to: -*

- 1) The Appellant
- 2) The Respondent
- 3) The CIT
- 4) The CIT(A)
- 5) The DR, I.T.A.T., Raipur.

By Order

//True Copy//

Sr. Private Secretary  
ITAT, Raipur