

**IN THE INCOME TAX APPELLATE TRIBUNAL
'C' BENCH, BENGALURU**

**BEFORE SHRI N.V.VASUDEVAN, VICE PRESIDENT
and
SHRI INTURI RAMA RAO, ACCOUNTANT MEMBER**

ITA No.1588/Bang/2018
(Assessment year: 2007-08)

Dhanalaxmi Vividhodhesh Sahakari Sangh Ltd.,
Near Ramdev Temple, Trurnel Pet,
Betegeri,
Gadag-582102. ... Appellant
PAN:AAAD7052N

Vs.

Income-tax officer,
Ward-1,
Gadag. ... Respondent

Appellant by : R. Mrinalini, Advocate.
Respondent by : Dr.P.V.Pradeep Kumar, Addl.CIT.

Date of hearing : 19/11/2018
Date of pronouncement : 27/11/2018

O R D E R

Per INTURI RAMA RAO, JM :

This is an appeal filed by the assessee directed against the order of the learned Commissioner of Income-tax (Appeals), Hubballi, dated 06/03/2018 for the assessment year 2007-08.

2. Briefly the facts of the case are as under: The assessee filed return of income for the assessment year 2007-08. Against the said return of income, assessment order dated 22/12/2009 was passed u/s 144 assessing the total income at Rs.57,43,955/-. While doing so, AO made the following three additions:

Unexplained investment in purchase of property..	Rs.52,50,000
Unexplained expenditure towards stamp duty on the above property ...	Rs. 4,41,000
Unexplained expenditure towards registration charges on the above property ...	Rs.52,955

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From the perusal of the assessment order it is clear that the assessee had not responded to notice of hearing issued by the AO despite several opportunities. Accordingly, AO had passed ex-parte assessment order after making the above items of additions.

3. Being aggrieved, an appeal was filed before the Id.CIT(A) stating that the assessee could not co-operate with AO during the course of assessment proceedings following differences among Chairman and its directors and also filed certain additional evidence which was referred to the AO for his comments in accordance with provisions of rule 46A of the IT Rules. It appears that AO had not accepted the additional evidence. The Id.CIT(A), without independent application of his mind on additional evidence, merely dismissed the appeal. Therefore, in our considered opinion, it is a fit case to remit the matter to the file of the AO for fresh adjudication in accordance with law after affording an opportunity of being heard to the assessee as well as the AO.

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

Order pronounced in the open court on 27th November, 2018

Sd/-
(N.V.VASUDEVAN)
VICE PRESIDENT

Place : Bengaluru.
D a t e d : 27/11/2018
srinivasulu, sps

sd/-
(INTURI RAMA RAO)
ACCOUNTANT MEMBER

Copy to :

- 1 Appellant
- 2 Respondent
- 3 CIT(A)
- 4 CIT
- 5 DR, ITAT, Bangalore.
- 6 Guard file

By order

Assistant Registrar
Income-tax Appellate Tribunal
Bangalore