

IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCHES "D": DELHI

BEFORE SHRI BHAVNESH SAINI, JUDICIAL MEMBER
AND
SHRI PRASHANT MAHARISHI, ACCOUNTANT MEMBER

ITA.No.5671/Del./2013
Assessment Year 2003-2004

Shri Jagdev, Village Ankhir, Faridabad. PAN ACRPS7518J	vs.,	The Income Tax Officer, Ward-II(4), Faridabad.
(Appellant)		(Respondent)

For Assessee :	-None-
For Revenue :	Smt. Naina Soin Kapil, Sr. D.R.

Date of Hearing :	08.04.2019
Date of Pronouncement :	08.04.2019

ORDER

PER BHAVNESH SAINI, J.M.

This appeal by Assessee has been directed against the Order of the Ld. CIT(A), Faridabad, dated 01.08.2013, for the A.Y. 2003-2004.

2. The record reveals that on earlier occasion, the appeal of assessee were dismissed for default. However, M.A. of the assessee was allowed and appeal was re-fixed for hearing on merits. Thereafter, notice was issued to the

assessee. The appeal was adjourned on the request of Counsel for Assessee for 24.10.2018. Thereafter, appeal was posted on 05.02.2019 and again on that date, none appeared on behalf of the assessee, despite notifying the date of hearing through registered post. Again, assessee was notified the date of hearing for today i.e., on 08.04.2019 through registered post, however, none appeared on behalf of the assessee. It, therefore, appears that assessee is no more interested in prosecuting the appeal. Therefore, the appeal of the assessee is liable to be dismissed as unadmitted.

3. In view of the above and having regard to Rule 19(2) of Income Tax Appellate Tribunal Rules and following various decisions of Delhi Bench of the Tribunal including that of Multiplan India Ltd., 38 ITD 320 (Del.); Hon'ble Madhya Pradesh High Court decision in the case of Estate of Late Tukojirao Holkar vs. CWT 223 ITR 480 (MP), and also the decision of Hon'ble Supreme Court in the case of CIT vs. B. Bhattachargee & Another (118 ITR 461 at page 477-478) wherein their Lordships held that "*the appeal does*

not mean, mere filing of the memo of appeal but effectively pursuing the same". In view of the above, respectfully following the aforesaid decisions, we dismiss the appeal of the assessee as un-admitted.

4. In the result, appeal of the Assessee dismissed.

Order pronounced in the open Court.

Sd/-
(PRASHANT MAHARISHI)
ACCOUNTANT MEMBER

Sd/-
(BHAVNESH SAINI)
JUDICIAL MEMBER

Delhi, Dated 08th April, 2019

VBP/-

Copy to

1.	The appellant
2.	The respondent
3.	CIT(A) concerned
4.	CIT concerned
5.	D.R. ITAT "D" Bench
6.	Guard File

//By Order//

Asst. Registrar : ITAT : Delhi Benches :
DELHI.