

**IN THE INCOME TAX APPELLATE TRIBUNAL  
HYDERABAD BENCHES "B" (SMC) : HYDERABAD**

**BEFORE SMT. P. MADHAVI DEVI, JUDICIAL MEMBER**

<b>ITA No.</b>	<b>A.Y.</b>	<b>Appellant</b>	<b>Respondent</b>
2315/Hyd/18	2010-11	Mana Pradeep Kumar, GUNTAKAL [PAN: ALQPM2376N]	Income Tax Officer, Ward-1, GUNTAKAL
2316/Hyd/18	2012-13		

For Assessee : Shri S. Rama Rao, AR  
For Revenue : Shri Nilanjan Dey, DR

Date of Hearing : 04-06-2019  
Date of Pronouncement : 12-06-2019

**ORDER**

Both are appeals of the assessee for the AYs.2010-11 & 2012-13 respectively, against the order of the Commissioner of Income Tax (Appeals)-Kurnool, dated 25-10-2018.

2. Brief facts of the case are that the assessee, an individual, deriving income from computer job works and money lending, filed his returns of income for the relevant assessment years. Thereafter, the Assessing Officer found that the assessee has given certain loans to one Shri Yelamanchili Ravichandra of Manikonda, Hyderabad. The details of the said loan were not reflected anywhere in the returns of income or its enclosures. Therefore, the Assessing Officer came to the conclusion that the income has escaped assessment and accordingly, he issued notice u/s.148 of the Income Tax Act

[Act]. The assessee filed his reply, stating that the return filed earlier, be treated as the return filed in response to notice u/s.148 of the Act. The Assessing Officer thereafter considered the assessee's contentions with regard to the source of income for making advances to Shri Yelamanchili Ravichandra and since the assessee could not explain the sources, he treated the sum of advances as 'unexplained income' and brought it to tax.

2.1. Aggrieved, assessee preferred appeals before the CIT(A), who confirmed the orders of Assessing Officer for both the assessment years, since the assessee did not appear before the CIT(A) and submit the details. Against the order of CIT(A), the assessee filed further appeals before the ITAT, by raising the following grounds of appeal:

Grounds of Appeal for the AY.2010-11

1. *The order of the learned Commissioner of Income-Tax (Appeals) is erroneous both on facts and in law.*
2. *The learned Commissioner of Income-Tax (Appeals) erred in deciding the appeal without providing further opportunity to the appellant.*
3. *The learned Commissioner of Income-Tax (Appeals) erred in confirming the addition of Rs.4,32,000/- made by the Assessing Officer by holding that the appellant had given a loan of Rs.9,60,000/- to Sri Yelamanchili Ravichandra and that the amount of Rs.4,32,000/- is not properly explained.*
4. *The learned Commissioner of Income-Tax (Appeals) erred in holding that the appellant had no source for an amount of Rs.4,32,000/- and further erred in upholding the addition made of Rs.4,32,000/-.*

5. *The learned Commissioner of Income-Tax(Appeals) erred in confirming levy of interest u/s 234B of the I.T. Act.*
6. *Any other ground that may be urged at the time of hearing”.*

Grounds of Appeal for the AY.2012-13

1. *The order of the learned Commissioner of Income- Tax (Appeals) is erroneous both on facts and in law.*
2. *The learned Commissioner of Income-Tax (Appeals) erred in deciding the appeal without providing further opportunity to the appellant.*
3. *The learned Commissioner of Income-Tax (Appeals) erred in confirming the addition of Rs.1,60,000/- representing the amount paid to Sri Ramanjaneyulu as unexplained investment.*
4. *The learned Commissioner of Income-Tax (Appeals) erred in confirming the addition of Rs.3,50,000/- representing the amount received from Sri Nagendra without considering the explanation submitted before the Assessing Officer.*
5. *The learned Commissioner of Income-Tax(Appeals) erred in confirming levy of interest u/s 234B of the I.T. Act.*
6. *Any other ground that may be urged at the time of hearing”.*

3. The Ld. Counsel for the assessee submitted that assessee's case along with his father's case were pending before the CIT(A) and on the very same date of hearing, both were come up for hearing. Erroneously, an adjournment application was filed only in the case of the father and because there was no prayer for adjournment in assessee's case, the same was disposed-of by the CIT(A), *ex-parte* the assessee. He prayed that the matter may be remanded to the file of CIT(A) for re-consideration on the issue of merits. He also sought to

file the relevant material before the ITAT in the form of Paper Book.

4. Ld.DR was also heard.

5. On perusal of the material on record, I find that the assessee could not appear before the CIT(A) and therefore, CIT(A) has disposed-of the appeal *ex-parte* the assessee. Since the assessee now seems to be having the necessary details, in the interest of justice, I deem it fit and proper to remand the issue to the file of CIT(A) with a direction to decide the appeals afresh on merits. Needless to mention that assessee shall be given a fair opportunity of hearing and also an opportunity to file necessary details, if any, before the CIT(A).

6. In the result, both the appeals of assessee are treated as allowed for statistical purposes.

*Order pronounced in the open court on 12<sup>th</sup> June, 2019*

**Sd/-**  
**(P. MADHAVI DEVI)**  
**JUDICIAL MEMBER**

Hyderabad, Dated 12<sup>th</sup> June, 2019

*TNMM /pvv*

*Copy to :*

- 1. Shri Mana Pradeep Kumar, D.No.9/57, Sofia Street, Guntakal.*
- 2. The Income Tax Officer, Ward-1, Guntakal.*
- 3. CIT(Appeals)-Kurnool.*
- 4. Pr.CIT-Kurnool.*
- 5. D.R. ITAT, Hyderabad.*
- 6. Guard File.*