

IN THE INCOME TAX APPELLATE TRIBUNAL  
HYDERABAD BENCH "A", HYDERABAD

BEFORE SMT. P. MADHAVI DEVI, JUDICIAL MEMBER  
AND  
SHRI A. MOHAN ALANKAMONY, ACCOUNTANT MEMBER  
(Through Virtual Hearing)

ITA No.1552/Hyd/2016		
Assessment Year: 2008-09		
Shri Veera Venkata Ramana Badarla, Secunderabad-500 009. PAN: AEVPB 6462 J	Vs.	The Asst. Commissioner of Income Tax, Circle-10(1),
(Appellant)		(Respondent)
Assessee by:	Shri Pawan Kumar Chakrapani	
Revenue by:	Shri K.N. Suresh Babu, DR	
Date of hearing:	08/10/2020	
Date of pronouncement:	12/10/2020	

ORDER

PER A. MOHAN ALANKAMONY, AM.:

This appeal is filed by the assessee against the order of the Ld. CIT (A)-8, Hyderabad in appeal No. 0078/CIT (A)-8/Hyd/2015-16, Dated 11<sup>th</sup> August, 2016 passed U/s. 144 r.w.s 250(6) of the Act for the AY 2008-09.

2. The assessee has raised several grounds in his appeal with respect to jurisdiction, addition due to unexplained investments and levy of interest U/s. 234B and 234C of the Act.

3. At the outset, the Ld. AR submitted before me that the Ld. AO had passed ex-parte order U/s. 144 of the Act without providing proper opportunity to the assessee and made addition of Rs. 77,50,060/- as unexplained cash deposits U/s. 69 of the Act. It was further submitted that on appeal, the Ld. CIT (A) also passed ex-parte order without providing adequate opportunity. Aggrieved by the order of the Ld. CIT (A), now assessee is in appeal before the Tribunal.

4. At the outset, the Ld. AR submitted before me that during the assessment proceedings and first appellate proceedings the assessee could not appear before the Ld. AO due to unavoidable circumstances. However both the Revenue Authorities passed ex-parte order without providing proper opportunity to the assessee of being heard. It was therefore pleaded that the assessee may be provided with one more opportunity to pursue his case before the Ld. Revenue Authorities. Ld. DR on the other hand objected to the submissions of the Ld. AR and argued that sufficient opportunities had been provided to the assessee, however, on the given dates of hearing, neither the assessee nor his Representative appeared before the Ld. AO and before the Ld. CIT (A). Under these circumstances, the Ld. Revenue Authorities had no other option but to pass ex-parte orders on merits based on the materials available on record. Hence, it was pleaded that the orders passed by

the Ld. Revenue Authorities do not call for any interference and appeal of the assessee may be dismissed.

5. We have heard the rival submissions and carefully perused the materials on record. On examining the facts of the case, We find merit in the submissions of the Ld. DR. The Ld. CIT (A) as well as the ld. AO had posted the case on several occasions. However, none appeared on behalf of the assessee before the Ld. AO on the given dates of hearing and even before the Ld. CIT(A). Further, the assessee did not place any cogent evidence on record to justify his stand. Hence, the Ld. Revenue Authorities were left with no other option except to pass orders based on the material available on record. In this situation, We do not find much strength in the arguments advanced by the ld. AR. However, considering the prayer of the Ld. AR and the submissions of the ld. AR, in the interest of justice, We hereby remit the matter back to the file of Ld. AO for de-novo consideration thereby providing one more opportunity to the assessee of being heard. At the same breath, We also hereby caution the assessee to promptly co-operate before the Ld. Revenue Authorities in their proceedings failing which the Ld. Revenue Authorities shall be at liberty to pass appropriate orders in accordance with law and merits based on the materials on the record. It is ordered accordingly.

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

Order Pronounced in the open Court on 12<sup>th</sup> October, 2020.

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

Sd/-  
(A. MOHAN ALANKAMONY)  
ACCOUNTANT MEMBER

Hyderabad, Dated: 12<sup>th</sup> October, 2020.

*OKK*

Copy to:-

- 1) Shri Veera Venkata Ramana Badarla, C/o. Pawan Kumar Chakrapani, M/s. V.M. Chakrapani & Co., Chartered Accountants, 5-5-8/9 & 10, 2<sup>nd</sup> Floor, Srinivasa Building, Ranigunj, Secunderabad – 500 003.
- 2) Assistant Commissioner of Income Tax, Circle-10(1), Hyderabad.
- 3) The CIT (A)-8, Hyderabad.
- 4) The Principal Commissioner of Income Tax-6, Hyderabad. (ii) Addl. Commissioner of Income Tax, Range-10, Hyderabad.
- 5) The DR, ITAT, Hyderabad
- 6) Guard File