

IN THE INCOME TAX APPELLATE TRIBUNAL
PUNE BENCH "SMC", PUNE – VIRTUAL COURT

BEFORE SHRI R.S. SYAL, VICE PRESIDENT

आयकर अपील सं. / ITA No.564/PUN/2019

निर्धारण वर्ष / Assessment Year : 2010-11

Amit Ambadas Mete,
Plot No.3, Bajaj Nagar,
Waluj, Kamgar Chowk,
Pandharpur, Aurangabad
Maharashtra – 431 001
PAN : AUBPM0115H

Vs. ITO, Ward-2(4),
Aurangabad

(Appellant)

(Respondent)

Appellant by
Respondent by

Shri Piyush Bafna
Shri Sudhendu Das

Date of hearing 11-02-2021
Date of pronouncement 11-02-2021

आदेश / ORDER

PER R.S. SYAL, VP :

This appeal by the assessee arises out of the order passed by the CIT(A)-2, Aurangabad on 17-01-2019 in relation to the assessment year 2010-11.

2. The ld. AR did not press ground no.2 challenging initiation of reassessment proceedings. The same is, therefore, dismissed as such.

3. The only ground challenged before the Tribunal is the confirmation of addition of Rs.15,66,472/- towards cash deposits in the bank.

4. Briefly stated, the facts of the case are that the Assessing Officer (AO) initiated reassessment proceedings on the basis of certain transactions indicating cash deposits amounting to Rs.15,66,472/- in the assessee's bank account. The assessee remained unrepresented before the AO. Considering the material on record, the AO made addition for this sum u/s.68 of the Act by means of an *ex parte* order passed u/s.144 of the Act. The Id. CIT(A) confirmed the addition *albeit* u/s.69 as against 68 invoked by the AO. Aggrieved thereby, the assessee has come up in appeal before the Tribunal.

5. Having have heard the rival submissions through Virtual Court and gone through the relevant material on record, it is seen that the AO made addition of Rs.15,66,472/- towards cash deposits made by the assessee in the bank account. The Id. AR contended that these were business receipts of the assessee which ought to have been taxed towards profit element therein. Fairly admitting that the assessee could not appear before the AO for certain reasons beyond control, the Id. AR requested for

one more round of proceedings before the AO in order to enable the completion of assessment on the basis of certain additional evidence fortifying the assessee's version as to the source of the cash deposits. Simultaneously, the Id. AR also prayed for admission of the additional evidence. Accepting the prayer of the assessee and without going into the merits of the case, I consider it appropriate to set aside the impugned order and remit the matter to the file of AO for reframing the assessment afresh as per law after allowing reasonable opportunity of hearing to the assessee. I order accordingly. Needless to say, the assessee will be at liberty to lead any fresh evidence to support his point of view in the fresh assessment.

6. In the result, the appeal is partly allowed for statistical purposes.

Order pronounced in the Open Court on 11th February, 2021.

Sd/-
(R.S.SYAL)
उपाध्यक्ष/ VICE PRESIDENT

पुणे Pune; दिनांक Dated : 11th February, 2021
Satish

आदेश की प्रतिलिपि अग्रेषित / Copy of the Order is forwarded to :

1. अपीलार्थी / The Appellant;
2. प्रत्यर्थी / The Respondent;
3. आयकर आयुक्त(अपील) /
The CIT (Appeals)-2, Aurangabad
4. The Pr. CIT-2, Aurangabad
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, पुणे "SMC" /
DR 'SMC', ITAT, Pune;
6. गार्ड फाईल / Guard file.

आदेशानुसार/ BY ORDER,**// True Copy //**Senior Private Secretary
आयकर अपीलीय अधिकरण ,पुणे / ITAT, Pune

		Date	
1.	Draft dictated on	11-02-2021	Sr.PS
2.	Draft placed before author	11-02-2021	Sr.PS
3.	Draft proposed & placed before the second member	--	JM
4.	Draft discussed/approved by Second Member.	--	JM
5.	Approved Draft comes to the Sr.PS/PS		Sr.PS
6.	Kept for pronouncement on		Sr.PS
7.	Date of uploading order		Sr.PS
8.	File sent to the Bench Clerk		Sr.PS
9.	Date on which file goes to the Head Clerk		
10.	Date on which file goes to the A.R.		
11.	Date of dispatch of Order.		

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