

आयकर अपीलीय अधिकरण 'सी' न्यायपीठ चेन्नई में।
IN THE INCOME TAX APPELLATE TRIBUNAL
'C' BENCH, CHENNAI

माननीय श्री महावीर सिंह, उपाध्यक्ष एवं
माननीय श्री मनोज कुमार अग्रवाल, लेखा सदस्य के समक्ष।
BEFORE HON'BLE SHRI MAHAVIR SINGH, VICE PRESIDENT AND
HON'BLE SHRI MANOJ KUMAR AGGARWAL, AM

आयकर अपील सं./ **ITA No.550/Chny/2022**
(निर्धारण वर्ष / **Assessment Year: 2010-11**)

Shri R. Sakthi Kumar 6/165, Postal Colony, Bodhupatti Namakkal – 637 003	बनाम/ Vs.	ITO, Ward 2 Namakkal – 637 001
स्थायी लेखा सं./जीआइ आर सं./PAN/GIR No. BKLPS-1469-M		
(अपीलार्थी/ Appellant)	:	(प्रत्यर्थी / Respondent)

अपीलार्थी की ओरसे/ Appellant by	:	Shri T.S.Lakshmi Venkataraman (FCA)-Ld. AR
प्रत्यर्थी की ओरसे/ Respondent by	:	Shri P. Sajit Kumar (JCIT)-Ld. Sr. DR

सुनवाई की तारीख/ Date of Hearing	:	21-07-2022
घोषणा की तारीख / Date of Pronouncement	:	21-07-2022

आदेश / O R D E R

Manoj Kumar Aggarwal (Accountant Member)

1. Aforesaid appeal by assessee for Assessment Year (AY) 2010-11 arises out of the order of learned Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi [CIT(A)] dated 31.03.2022 in the matter of an assessment framed by Ld. AO u/s 144 r.w.s. 147 of the Act on 26.12.2018. The registry has noted a delay of 31 days in the appeal, the condonation of which has been sought by Ld. AR. Considering the period of delay, we condone the delay and admit the appeal for adjudication on merits.

2. The sole grievance of the assessee is addition of Rs.11.05 Lacs u/s 69A. The Ld. AR pleaded for another opportunity of hearing before lower authorities which has been vehemently opposed by Ld. Sr. DR.

3. Upon perusal of assessment order, it could be seen that the assessee made cash deposit of Rs.11 Lacs in savings account maintained with HDFC Bank. However, the assessee did not file any return of income. Accordingly, the case was reopened and the assessee was required to explain the source of the deposits. Since the assessee failed to file any explanation, the amount of Rs.11.05 Lacs was added to the income of the assessee. The same was the situation before Ld. CIT(A) which led to dismissal of appeal. Aggrieved, the assessee is in further appeal before us.

4. Though we concur with the submissions of Ld. Sr. DR that the assessee has remained negligent before lower authorities, however, keeping in view the principle of natural justice, we set-aside the impugned order and remit the matter back to the file of Ld. AO for denovo adjudication with a direction to the assessee to substantiate its stand.

5. The appeal stand allowed for statistical purposes.

Order pronounced on 21st July, 2022.

Sd/-
(MAHAVIR SINGH)
उपाध्यक्ष / VICE PRESIDENT

Sd/-
(MANOJ KUMAR AGGARWAL)
लेखा सदस्य / ACCOUNTANT MEMBER

चेन्नई / Chennai; दिनांक / Dated : 21-07-2022
EDN/-

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

1. अपीलार्थी/Appellant 2. प्रत्यर्थी/Respondent 3. आयकर आयुक्त (अपील)/CIT(A) 4. आयकर आयुक्त/CIT 5. विभागीय प्रतिनिधि/DR 6. गार्ड फाईल/GF