

**IN THE INCOME TAX APPELLATE TRIBUNAL
AMRITSAR BENCH, AMRITSAR.**

**BEFORE DR. M. L. MEENA, ACCOUNTANT MEMBER
AND SH. ANIKESH BANERJEE, JUDICIAL MEMBER**

**I.T.A. No.150/Asr/2022
Assessment Year: 2017-18**

Sh. Baljeet Singh, Prop. M/s Dream Car, Near Desh Bhagat Yadgar Hall, BMC Chowk, Jalandhar. [PAN: AQBPS6060M] (Appellant)	Vs.	ITO, Ward-3(1), Jalandhar. (Respondent)
---	------------	--

Appellant by	None.
Respondent by	Ms. Amanpreet Kaur, Sr.DR

Date of Hearing	28.09.2022
Date of Pronouncement	12.10.2022

ORDER

Per:Anikesh Banerjee, JM:

The instant appeal of the assessee is directed against the order of the Id. Commissioner of Income Tax(Appeals),NFAC, Delhi, [in brevity the CIT(A)] bearing appeal No.DIN & Order No.ITBA/NFAC/S/250/2022-23/1043059517(1), date of order 18.05.2022, the order passed u/s 250 of the Income Tax Act 1961, [in brevity the Act] for A.Y. 2017-18.The impugned order was emanated from the

order of the Id. Income Tax Officer, Ward 3(1), Jalandhar, (in brevity the AO) order passed u/s 144 of the Act date of order 22.12.2019.

2. The brief fact of the case is that the assessee deposited cash during demonetisation in SBN (Old Currency) amount to Rs. 7,02,500/- and the total cash deposited in the bank 1,26,60,500/- and credit entries 1,41,97,081/-. The assessee declared the turnover Rs.75,35,000/- which was at the net profit rate Rs.8.16. The total turnover was calculated by the Id. AO amount of Rs.2,61,55,081/- (Rs.2,68,57,581 - Rs.7,02,500/-). So, the balance turnover calculated under profit @ 8.16 which was already declared by the assessee in his return. The balance, net profit was added back amount of Rs.15,19,400/- with the total income of the assessee. The assessee filed an appeal before the Id. CIT(A). The Id. CIT(A) adjudicated the same in ex parte and upheld the order of the Id. AO.

3. Aggrieved assessee filed an appeal before us.

4. During the appeal hearing, none was present on behalf of the assessee. The matter is taken up with the consent of the Id. Sr. DR.

5. Both the lower authorities had passed the order in ex-parte against the assessee. The Id. AO calculated the net profit @ 8.16% which is applicable u/s 44AD of the Act under presumptive rate of tax. But the assessee's turnover is not under purview for calculation of net profit u/s 44AD of the Act. Related to deposit

of cash in demonetisation the assessee was unable to explain the matter before both the authorities. Reasonable opportunity of hearing was denied. In view of these discussions, as also bearing in mind the entirety of the case, we deem it fit and proper to remit the matter to the first appellate authority after giving an opportunity for a personal hearing, in terms of rule 12 of the Faceless Appeals Rules 2021, for adjudication de novo in accordance with the law and by way of a speaking order. Ordered, accordingly.

6. In the result, the appeal bearing **ITA No.150/Asr/2022** is allowed for statistical purpose.

Order pronounced in the open court on 12.10.2022

Sd/-

(Dr. M. L. Meena)
Accountant Member

Sd/-

(ANIKESH BANERJEE)
Judicial Member

AKV

Copy of the order forwarded to:

- (1) The Appellant
- (2) The Respondent
- (3) The CIT
- (4) The CIT (Appeals)
- (5) The DR, I.T.A.T.

True Copy
By Order