

आयकर अपीलीय अधिकरण, 'बी' न्यायपीठ, चेन्नई  
**IN THE INCOME-TAX APPELLATE TRIBUNAL 'B' BENCH, CHENNAI**  
श्री वी. दुर्गा राव, न्यायिक सदस्य एवं श्री मनोज कुमार अग्रवाल, लेखा सदस्य के समक्ष ।  
**Before Shri V. Durga Rao, Judicial Member &  
Shri Manoj Kumar Aggarwal, Accountant Member**

आयकर अपील सं./I.T.A. No.1109/Chny/2022  
निर्धारण वर्ष/Assessment Year: 2017-18

Shri Subramani Jayaprakash,  
171-B, Krishnan Pudhur, Ammapet,  
Salem 636 003.

Vs. The Income Tax Officer,  
Ward 1(1),  
Salem.

**[PAN:AHZPJ2690M]**

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से / Appellant by : None  
प्रत्यर्थी की ओर से/Respondent by : Shri D. Hema Bhupal, JCIT  
सुनवाई की तारीख/ Date of hearing : 23.01.2023  
घोषणा की तारीख /Date of Pronouncement : 31.01.2023

**आदेश /O R D E R**

**PER V. DURGA RAO, JUDICIAL MEMBER:**

This appeal filed by the assessee is directed against the order of the Id. Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi dated 22.11.2022 relevant to the assessment year 2017-18.

2. Brief facts of the case are that from the records available with the Department, the Assessing Officer has noticed that the assessee made

substantial cash deposit of in bank account during the financial year 2016-17, but, the assessee has not filed any return of income for the assessment year 2017-18. Hence, a notice under section 142(1) of the Income Tax Act, 1961 [“Act” in short] and other show cause notice were sent to the assessee for his compliance. Since, there was no response from the assessee, a pre-assessment notice dated 04.09.2019 was sent on the proposed additions towards cash deposit of ₹.10,88,000/- during demonetization period in case of any failure on the part of assessee to file the details by 11.09.2019. The AR of the assessee filed a reply vide letter dated 12.09.2019 explaining the sources for cash deposit during demonetization period. Since the assessee has not produced any substantial documentary evidence for his claims of accepting money from his relatives, the Assessing Officer completed the assessment under section 144 of the Act dated 20.09.2019 as unexplained money assessed under section 69A and to be taxed under section 115BBE of the Act of ₹.10,88,000/-. On appeal, the Id. CIT(A)(NFAC) confirmed the addition.

3. On being aggrieved, the assessee is in appeal before the Tribunal and challenged the exparte order passed by the Assessing Officer under section 144 of the Act without making any proper enquiry

despite filing detailed reply towards sources for the cash deposits during demonetization period. When the appeal was taken up for hearing, none appeared on behalf of the assessee and hence we proceed to decide the appeal on merits after hearing the Id. DR.

4. We have heard the Id. DR, perused the materials available on record and gone through the orders of authorities below. It is an admitted fact that during the course of assessment proceedings, against the pre-assessment notice, the assessee has filed his reply dated 12.09.2019 explaining the sources for the cash deposits during the demonetization period. However, the Assessing Officer has not made any effort to verify the details submitted by the assessee or called for confirmation towards the claims of accepting money from his relatives as stated in his letter or summoned the relatives under section 133(6) of the Act and recorded their statement, whereas, ignoring the reply filed by the assessee, the Assessing Officer concluded the assessment under section 144 of the Act, appears to be incorrect. The Id. CIT(A)(NAFC) has also simply confirmed the assessment order passed under section 144 of the Act. Under these facts and circumstances, we set aside the orders of authorities below and remit the matter back to the file of the Assessing Officer to call for the details

and statements of the relatives whomsoever given money to the assessee and decide the issue afresh in accordance with law by affording sufficient opportunities of being heard to the assessee. The assessee is also directed to furnish complete details before the Assessing Officer without fail.

5. In the result, the appeal filed by the assessee is allowed for statistical purposes.

Order pronounced on 31<sup>st</sup> January, 2023 at Chennai.

Sd/-  
(MANOJ KUMAR AGGARWAL)  
ACCOUNTANT MEMBER

Sd/-  
(V. DURGA RAO)  
JUDICIAL MEMBER

Chennai, Dated, 31.01.2023

Vm/-

आदेश की प्रतिलिपि अग्रेषित/Copy 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.