

आयकर अपीलिय अधिकरण, 'सी' न्यायपीठ, चेन्नई  
IN THE INCOME-TAX APPELLATE TRIBUNAL 'C' BENCH, CHENNAI  
श्री वी दुर्गा राव न्यायिक सदस्य एवं श्री जी. मंजुनाथा, लेखा सदस्य के समक्ष  
Before Shri V. Durga Rao, Judicial Member &  
Shri G. Manjunatha, Accountant Member

आयकर अपील सं./I.T.A. No.376/Chny/2022  
निर्धारण वर्ष/Assessment Year: 2017-18

M/s. Nemam Seeraln Jagannathan,  
No. 26, Thiruvallur Road,  
Nemam, Thiruvallur 600 125.

Vs. The Income Tax Officer,  
Ward 2,  
Thiruvallur.

**[PAN:AJJPJ9048H]**

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से / Appellant by : Shri S. Sridhar, Advocate  
प्रत्यर्थी की ओर से/Respondent by : Shri M. Rajan, CIT  
सुनवाई की तारीख/ Date of hearing : 22.02.2023  
घोषणा की तारीख /Date of Pronouncement : 28.02.2023

**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. Principal Commissioner of Income Tax, Chennai-1, Chennai, dated 29.03.2022 relevant to the assessment year 2017-18 passed under section 263 of the Income Tax Act, 1961 ["Act" in short].

2. Brief facts of the case are that the assessee filed his return of income for the assessment year 2017-18 on 06.03.2018. The return filed by the assessee was initially processed under section 143(1) of the Act

and subsequently, the case was selected for scrutiny under CASS. After following due procedures, the assessment was completed under section 143(3) of the Act dated 27.12.2019 by accepting the income returned by the assessee.

3. By invoking the provisions of section 263 of the Act, the Id. PCIT issued notice dated 21.03.2022 calling for explanation from the assessee as to why the assessment order passed under section 143(3) of the Act dated 13.12.2019 should not be set aside since the assessment order was found to be erroneous and prejudicial to the interest of the Revenue and posted for hearing on 23.03.2022 at 4.00 P.M. and hurriedly concluding the revision order under section 263 of the Act dated 29.03.2022 and directing the Assessing Officer to redo the assessment.

4. On being aggrieved, the assessee is in appeal before the Tribunal.

5. We have heard both the sides, perused the materials available on record and gone through the orders of authorities below. It is amply clear from the revision order that notice under section 263 of the Act dated 21.03.2022 has been issued and posted the case for hearing on 23.03.2022. From the above short-notice of hearing fixed by the Id. PCIT, we find that the Id. PCIT has not afforded sufficient time to the assessee

for filing his reply before him and the same is against the principles of natural justice. Accordingly, we set aside the revision order passed under section 263 of the Act and remit the matter back to the file of the Id. PCIT with a direction to afford reasonable opportunity of being heard to the assessee for substantiating his case.

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

Order pronounced on 28<sup>th</sup> February, 2023 at Chennai.

Sd/-  
(G. MANJUNATHA)  
ACCOUNTANT MEMBER

Sd/-  
(V. DURGA RAO)  
JUDICIAL MEMBER

Chennai, Dated, 28.02.2023

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.