

**THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH 'E', NEW DELHI**

**Before Dr. B. R. R. Kumar, Accountant Member
Sh. Yogesh Kumar US, Judicial Member**

ITA No. 933/Del/2019 : Asstt. Year: 2011-12

Sh. Naveen Kumar, Prop. M/s K.S. Handloom Industries, C/o RRA Taxindia, D-28, South Extension, Part-1, New Delhi-110049 (APPELLANT)	Vs.	Income Tax Officer, Ward-3, Panipat, Haryana-132103 (RESPONDENT)
PAN No. ANZPK4718K		

**Assessee by : Sh. Tarun Kumar, Adv.
Revenue by : Sh. Arvind Kr. Bansal, Sr. DR**

Date of Hearing: 08.06.2023

Date of Pronouncement: 30.06.2023

ORDER

Per Dr. B. R. R. Kumar, Accountant Member:

The present appeal has been filed by the assessee against the order of Id. CIT(A), Karnal dated 07.12.2018.

2. Following grounds have been raised by the assessee:

"1. (a) That having regard to the facts and circumstances of the case, Ld. CIT(A) has erred in law and on facts in not quashing the impugned reassessment order passed by Ld. AO and that too without assuming jurisdiction as per law and without complying with mandatory conditions u/s 147 to 151 as envisaged under the Income Tax Act. 1961.

1(b) That in any case and in any view of the matter, assumption of jurisdiction u/s 147 and passing the impugned reassessment order, is bad in law and against the facts and circumstances of the case.2.

(a) That having regard to the facts and circumstances of the case, Ld. CIT(A) has erred in law and on facts in confirming the action of Ld. AO in making addition of Rs.84,98,849/- on account of deposits in bank account and that too by recording incorrect facts and findings and without observing the principles of natural justice.

2(b) That in any case and in any view of the matter, action of Ld. CIT(A) in confirming the action of Ld. AO in making addition of Rs.84,98,849/- on account of deposits in bank account, is bad in law and against the facts and Circumstances of the case and without providing the entire adverse material available on record.

3. That having regard to the facts and circumstances of the case, the Ld. CIT(A) has erred in law and on facts in not quashing the impugned ex-parte order passed by Ld. AO and that without appreciating the facts and circumstances of the case and in violation of principles of natural justice."

3. In the instant case, the Assessment Order has been passed u/s 144 determining the total income at Rs.86,79,239/-. The additions have been made mainly on account of cash deposits and the savings bank account of the assessee maintaining with ICICI Bank.

4. The Ld. CIT(A) dismissed the appeal of the assessee on the grounds that the assessee did not appear before the AO in response to the notices issued by the AO in the remand proceedings.

5. Before us, it was pleaded that given an opportunity, due compliance would be made before the Ld. CIT(A). The Ld. DR objected in principle.

6. We find no prejudice would be caused to the revenue if an opportunity be given to the assessee. Hence, in the interest of justice, we remand the matter to the file of Id. CIT(A) to adjudicate the issue afresh. The revenue authorities would be at liberty to initiate penalty proceedings in case of non-compliance by the assessee to the notices issued.

7. In the result, the appeal of the assessee is allowed for statistical purposes.

Order Pronounced in the Open Court on 30/06/2023.

Sd/-

(Yogesh Kumar US)
Judicial Member

Sd/-

(Dr. B. R. R. Kumar)
Accountant Member

Dated: 30/06/2023

Subodh Kumar, Sr. PS

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

ASSISTANT REGISTRAR