

IN THE INCOME TAX APPELLATE TRIBUNAL  
PUNE 'SMC' BENCHES :: PUNE

BEFORE SHRI INTURI RAMA RAO, ACCOUNTANT MEMBER

ITA No.776/PUN/2023  
(A.Y. 2016-17)

Archana Vijay Patil L/H of Manikrao Anandrao Deshmukh, Kadegaon, Sangli, Sangli-415304.	vs	ITO, Ward-2(4), Sangli.
PAN: BAYPD 4233 M		
Appellant		Respondent

Assessee by	:	Shri Pramod Shingte, CA
Revenue by	:	Shri A.K. Mahala, DR
Date of hearing	:	02/08/2023
Date of pronouncement	:	02/08/2023

ORDER

This appeal filed by the assessee directed against the order of National Faceless Appeal Centre [NFAC], Delhi, dated 19.05.2023 for A.Y.2016-17.

2. Briefly stated the facts of the case are that assessee is an individual deriving income from business and other sources, filed e-return of income for the A.Y. 2016-17 on 31/03/2017 declaring total income of Rs.5,99,150/-. Against the said return of income, assessment was completed by the ITO, Ward-2(4), Sangli (for short, 'AO') vide order dated 21/12/2018 passed u/sec.143(3) of the I.T. Act, 1961 (hereinafter referred to as 'Act') at a total income of Rs.31,72,655/-. While doing so, the AO made an addition of Rs.25,73,505/- u/sec. 56(2)(viib) of the Act in respect of purchase of

agricultural land located at Kasabe Karad, Taluka Karad, Dist. Satara, Survey No.316/1 for a consideration of Rs. 18,01,495/- as against the stamp value of Rs. 43,75,000/-. The difference amount between the two of Rs. 25,73,505/- was brought to tax by the AO u/sec. 56(2) of the Act.

3. Being aggrieved by the above addition, the assessee was filed appeal before the NFAC, who vide impugned order, dismissed the appeal for non-prosecution, without going into the merits of the issues in appeal.

4. Being aggrieved by the order of NFAC, the assessee is in appeal before us in the present appeal.

5 I had heard the rival submissions, perused the material on record.

6. I had carefully perused the order of NFAC and find that NFAC had dismissed the appeal for non-prosecution without going into the merits of the impugned addition. It is trite law that the appellate authority like NFAC, even in case of *ex-parte* order, should dispose of the appeal on merits. The order of the NFAC, in the instant appeal, is against the settled position of law, therefore, I remand the matter back to the file

of NFAC with a direction to dispose of the appeal of the assessee on merits after affording due opportunity of hearing to the assessee.

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

Order pronounced in open Court on 02<sup>nd</sup> August, 2023.

Sd/-  
(INTURI RAMA RAO)  
ACCOUNTANT MEMBER

Dated : 02<sup>nd</sup> August, 2023

vr/-

Copy to :

1. The Appellant.
2. The Respondent.
3. The Pr. CIT concerned.
5. The DR, ITAT, "SMC" Bench Pune.
6. Guard File.

By Order

// TRUE COPY //

Senior Private Secretary  
ITAT, Pune.