

IN THE INCOME TAX APPELLATE TRIBUNAL  
PANAJI BENCH :: PANAJI

BEFORE SHRI PARTHA SARATHI CHAUDHURY, JUDICIAL MEMBER &  
SHRI G.D. PADMAHSHALI, ACCOUNTANT MEMBER  
(Through virtual hearing)

ITA No.63/PAN/2022  
(A.Y. 2017-18)

Sunadholi Mahila Pattin Souhard Sahakari Niyamit, Sunadholi, Tal – Gokak, Dist. Belagavi, Karnataka.  PAN: AACAS 9316 G	vs	ITO, Ward-1, Gokak.
Appellant		Respondent

Assessee by	:	Shri Sateesh Nadagouda, CA
Revenue by	:	Shri N. Shrikanth, DR
Date of hearing	:	14/08/2023
Date of pronouncement	:	21/08/2023

O R D E R

Per PARTHA SARATHI CHAUDHURY, JM:

This appeal preferred by the assessee emanates from the order of National Faceless Appeal Centre, Delhi (for short, 'NFAC'), dated 14.12.2021 as per the grounds of appeal on record.

2. Despite service of notices on various dates, none appeared on behalf of the assessee nor any application for adjournment is filed before the NFAC. Therefore, NFAC had dismissed the appeal of the assessee *ex-parte*.

3. We have heard both the parties and perused the material available on record. We find that the NFAC has passed an *ex-parte*

order and the rights and liabilities of the parties herein were not adjudicated on merits. That on perusal of Para 3 of the NFAC's order, it is seen that the assessee or its authorised representative neither appeared nor submitted any letter seeking adjournment in response to the notices issued.

4. That further it is evident from Para 4 of the order of NFAC that it had decided the appeal considering the statements of facts, grounds of appeal and material on record. The process of judicial adjudication requires Quasi-Judicial authority to adjudicate the case on merits and come out with a speaking order. In the present case, the NFAC was unable to do so because of the evasive nature of the assessee. However, keeping in mind the principles of natural justice and the very fact, the Income Tax Act is welfare legislation; we are of the considered view that one final opportunity should be given to the assessee to represent its case on merits. Therefore, the assessee is directed to present itself through its authorised representative before the NFAC immediately on receipt of this order along with relevant/necessary documents to present its case on merits before the NFAC and it shall adjudicate the same by passing a speaking order while complying with the principles of natural justice. Issuance of any further notice to assessee is dispensed with. In view of the aforesaid directions, we set aside the order of the NFAC and remand the matter back to its file.

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

Order pronounced in open Court on 21<sup>st</sup> August, 2023

Sd/-  
(G.D. PADMAHSHALI)  
ACCOUNTANT MEMBER

Sd/-  
(PARTHA SARATHI CHAUDHURY)  
JUDICIAL MEMBER

Dated : 21<sup>st</sup> August, 2023

vr/-

Copy to :

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

By Order

// TRUE COPY //

Senior Private Secretary  
ITAT, Pune.