

IN THE INCOME TAX APPELLATE TRIBUNAL
PUNE BENCH "SMC", PUNE

BEFORE SHRI INTURI RAMA RAO, ACCOUNTANT MEMBER

आयकर अपील सं. / ITA No.883/PUN/2023
निर्धारण वर्ष / Assessment Year : 2011-12

Jaiprakash Shankarappa Halkude, A/p Renapur, Wane Galli, Tq. Renapur, Dist. Latur- 413522 PAN : ACDPH3796F	Vs.	ITO, Ward-1, Latur.
Appellant		Respondent

Assessee by : None
Revenue by : Smt. Sonal Sonkavde

Date of hearing : 25.08.2023
Date of pronouncement : 30.08.2023

आदेश / ORDER

PER INTURI RAMA RAO, AM:

This is an appeal filed by the assessee directed against the order of the National Faceless Appeal Centre, Delhi ['NFAC'] dated 31.03.2022 for the assessment year 2011-12.

2. Briefly, the facts of the case are that the appellant is an individual. Voluntarily, no regular Return of Income for the assessment year 2011-12 was filed by the appellant under the provisions of section 139 of the Income Tax Act, 1961 ('the Act').

On receipt of the information that the appellant had received enhanced compensation of Rs.60,58,208/- and interest on such compensation of Rs.30,29,104/- from the Deputy Collector, Land Acquisition (Ausa-Renapur), Latur, the Assessing Officer issued a notice u/s 148 of the Act dated 23.03.2018. In response to the notice u/s 148, the appellant had filed the return of income on 28.03.2018 declaring Rs.Nil income and claimed exemption of enhanced compensation and interest on such compensation amounting to Rs.60,58,208/- as exempt u/s 10(37) of the Act. Against the said return of income, the assessment was completed by the Income Tax Officer, Ward-1, Latur ('the Assessing Officer') vide order dated 22.12.2018 passed u/s 143(3) r.w.s. 147 of the Act by bringing to tax the interest received on enhanced compensation of Rs.30,29,104/- (being 50% of the enhanced compensation of Rs.60,58,208/-) and bank interest of Rs.34,502/-.

3. Being aggrieved by the above order of assessment, an appeal was filed before the NFAC, who vide impugned order confirmed the action of the Assessing Officer as well as dismissed the appeal *ex-parte*, as the appellant had failed to respond the notice of hearing.

4. Being aggrieved, the appellant is in appeal before this Tribunal in the present appeal.

5. When the appeal was called on, none appeared on behalf of the appellant-assessee despite due service of notice of hearing.

6. On the other hand, ld. Sr. DR placing reliance on the orders of the lower authorities submits that no interference is called for.

7. I heard the ld. Sr. DR and perused the material on record. I had carefully perused the order of the NFAC. From para 1 of the order of the NFAC, it would be clear that the NFAC had initiated the proceedings during the period of Covid-19 Pandemic. It can be safely assumed that the appellant was prevented from causing the appearance before the NFAC on account of difficulties faced by the appellant on account of Covid-19 Pandemic in view of the decision of the Hon'ble Supreme Court in the case of Cognizance for Extension of Limitation, In re (2022) 441 ITR 722 (SC) dated 10.01.2022, wherein, the limitation prescribed by various statutes was *suo motu* extended on account of difficulties faced by the citizens of the country on account of Pandemic Covid-19.

8. Furthermore, the order of the NFAC is very cryptic. The NFAC had not gone into the merit of the case. The NFAC passed the impugned order in very perfunctory and casual manner, even without adverting to the issues in the appeal. Therefore, the order of the NFAC is vacated and restored to the file of the NFAC with a

direction to dispose of the issue in appeal on merits in accordance with law after affording reasonable opportunity of being heard to the assessee. Thus, the grounds of appeal filed by the assessee stand partly allowed.

9. In the result, the appeal filed by the assessee stands partly allowed.

Order pronounced on this 30th day of August, 2023.

Sd/-
(INTURI RAMA RAO)
ACCOUNTANT MEMBER

पुणे / Pune; दिनांक / Dated : 30th August, 2023.

Sujeet

आदेश की प्रतिलिपि अग्रेषित / Copy of the Order forwarded to :

1. अपीलार्थी / The Appellant.
2. प्रत्यर्थी / The Respondent.
3. The Pr. CIT concerned.
4. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, "SMC" बेंच, पुणे / DR, ITAT, "SMC" Bench, Pune.
5. गार्ड फ़ाइल / Guard File.

आदेशानुसार / BY ORDER,

// True Copy //

Senior Private Secretary
आयकर अपीलीय अधिकरण, पुणे / ITAT, Pune.