

आयकर अपीलीय अधिकरण "बी" न्यायपीठ पुणे में ।
IN THE INCOME TAX APPELLATE TRIBUNAL "B" BENCH, PUNE

BEFORE SHRI INTURI RAMA RAO, ACCOUNTANT MEMBER
AND
SHRI S.S. VISWANETHRA RAVI, JUDICIAL MEMBER

आयकर अपील सं. / ITA No.485/PUN/2023
निर्धारण वर्ष / Assessment Year : 2017-18

M/s. Sairung Developers & Promoters Pvt. Ltd.,
Gat No. 362/2, Near Wipro Circle,
Behind ICICI Bank, Bodkewadi Mann,
Pune – 412115

PAN : AACCS9538G

.....अपीलार्थी / Appellant

बनाम / V/s.

ACIT, Circle – 6,
Pune

.....प्रत्यर्थी / Respondent

Assessee by : Shri Hari Krishan
Revenue by : Shri M.G. Jasnani

सुनवाई की तारीख / Date of Hearing : 07-09-2023
घोषणा की तारीख / Date of Pronouncement : 20-09-2023

आदेश / ORDER

PER S.S. VISWANETHRA RAVI, JM :

This appeal by the assessee against the order dated 10-08-2022 passed by the National Faceless Appeal Centre, Delhi ("NFAC") for assessment year 2017-18.

2. We find that this appeal was filed with a delay of 198 days. The assessee filed notarized affidavit dated 27-03-2023 explaining the reasons for delay. On perusal of the same and hearing both the parties, we find

that the reasons stated by the assessee are bonafide which really prevented the assessee to file the present appeal in time. Therefore, the delay of 613 days is condoned.

3. The assessee raised four grounds of appeal amongst which the only issue emanates for our consideration is as to whether the CIT(A) justified in confirming the addition made by the AO ex-parte of the assessee without discussing the issue on merits.

4. At the outset, we note that the assessment was completed to the best judgment of AO u/s. 144 of the Act inter alia making addition u/s. 68, 36(1)(va) of the Act and disallowance of major expenses. We note that para 8.3 of the assessment order clearly shows that in the absence of any supporting documents, the AO added an amount of Rs.32,96,642/- u/s. 68 of the Act, Rs.4,31,435/- u/s. 36(1)(va) of the Act and disallowance of major expenses of Rs.38,50,000/- determining the total income at Rs.63,70,170/- as against Nil income. Aggrieved by the assessment order, the assessee filed an appeal before the CIT(A), NFAC, Delhi.

5. On perusal of para 3.7 of the impugned order, it is noted that the CIT(A) confirmed the order of AO in the absence of any arguments, submissions and evidences filed in support of grounds raised. The ld. AR indicates that the assessee is ready to file evidences in support of its claim and requested the Tribunal to give one more opportunity to the assessee to prosecute its case. The ld. DR did not report any objection in this regard, but however, brought to our notice two circulars issued by the CBDT on 15-11-2017 and 05-03-2019 and argued that the Income Tax authorities shall conduct the assessments relating to cash deposits during demonetization period in accordance with the said two circulars. On

perusal of the same, we note that the CBDT issued the said two circulars contemplating SOP for handling of cases related to substantial cash deposit during demonetization period. Admittedly, we find substantial cash deposits made by the assessee in four bank which is evident from para 8.1 of the assessment order. Therefore, taking into facts and circumstances of the case and in the interest of justice, we deem it proper to remand the matter to the file of CIT(A), NFAC, Delhi for its fresh consideration to conduct assessment proceedings in accordance with the SOP in the said circulars. The assessee is liberty to file evidences, if any, in support of its claim. Thus, the grounds raised by the assessee are allowed for statistical purposes.

6. In the result, the appeal of assessee is allowed for statistical purpose.

Order pronounced in the open court on 20th September, 2023.

Sd/-
(Inturi Rama Rao)
ACCOUNTANT MEMBER

Sd/-
(S.S. Viswanethra Ravi)
JUDICIAL MEMBER

पुणे / Pune; दिनांक / Dated : 20th September, 2023.

रवि

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

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

//सत्यापित प्रति// True Copy//

आदेशानुसार / BY ORDER,

वरिष्ठ निजी सचिव / Sr. Private Secretary
आयकर अपीलीय अधिकरण ,पुणे / ITAT, Pune