

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH “SMC”: NEW DELHI**

**BEFORE SHRI SHAMIM YAHYA, ACCOUNTANT MEMBER
AND
SHRI KUL BHARAT, JUDICIAL MEMBER**

**ITA No. 2592/DEL/2023
Assessment Year: 2017-18**

Pranay Jain, 56, Kiran Vihar, New Delhi-110092. PAN- AZKPJ5252E	<u>Vs</u>	Income-tax Officer, Ward-58(6), New Delhi.
APPELLANT		RESPONDENT
Assessee represented by	Sh. Rajiv Jain, CA	
Department represented by	None	
Date of hearing	09.11.2023	
Date of pronouncement	10.11.2023	

ORDER

PER KUL BHARAT, JM:

This appeal, preferred by the assessee, is directed against the order of the learned Commissioner of Income-tax (Appeals), National Faceless Appeal Centre (NFAC), New Delhi, dated 31.08.2023, pertaining to the assessment year 2017-18.

The assessee has raised following grounds of appeal:

“1. That on the facts and in the circumstances of the case, the assessee filed response to the notice dated 23.02.2021, forwarded notice dated 08.08.2023 to the arguing counsel and the notice dated 16.08.2023 remained unnoticed and the arguing counsel missed the notice due to some

personal tragedy, the assessee seeks an opportunity to present his case in the interest of substantial justice.

2. That on the facts and in the circumstances of the case, the ld Commissioner of Income Tax (Appeals), NFAC, Delhi was wrong in sustaining the addition of Rs. 11,98,000/- made by the ld AO, Ward-58(6), Delhi u/s 69A of the Act in respect of the amount of cash deposited by the assessee in his bank account during demonetization period.”

2. Facts, in brief, are that the assessee, an individual, filed his return of income on 23.08.2018 declaring income of Rs. 4,17,020/-. The case was selected for limited scrutiny. The reason for limited scrutiny, is stated to be cash deposited during demonetization period. The AO noticed that assessee had earned salary amounting to Rs. 2,40,000/- per annum and tuition income of Rs. 2,90,700/- per annum, however, he deposited a sum of Rs. 11,98,000/- during the period of demonetization. The AO found the explanation offered by the assessee as unexplained and made addition of entire amount deposited by the assessee, thus assessing income at Rs. 16,15,020/-. Aggrieved against this the assessee filed appeal before learned CIT(A), who dismissed the appeal. Aggrieved against this assessee is in appeal before this Tribunal.

3. Learned counsel appearing on behalf of the assessee stated that the assessee was not given sufficient opportunity by the authorities below. However, there was no representation on behalf of the Revenue.

4. We have heard learned authorized representative of the assessee and perused the material available on record. We find that one of the grounds of the assessee in the form of grounds of appeal is that no effective opportunity was granted to the assessee and the assessee's counsel missed the notice. Therefore, looking to the facts and circumstances of the present case, in order to subserve the interest of substantial justice to both the parties, we are inclined to set aside the order of the learned CIT(A) and restore the matter to the file of learned CIT(A) to decide the appeal afresh, of course, after affording reasonable opportunity of being heard to the assessee. We order accordingly.

5. In the result, assessee's appeal stands allowed for statistical purposes only.

Order pronounced in open court on 10th November, 2023.

Sd/-
(SHAMIM YAHYA)
ACCOUNTANT MEMBER

Sd/-
(KUL BHARAT)
JUDICIAL MEMBER

MP

Copy forwarded to:

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

ASSISTANT REGISTRAR
ITAT, NEW DELHI

