

**IN THE INCOME TAX APPELLATE TRIBUNAL
“C” BENCH : BANGALORE**

BEFORE SHRI GEORGE GEORGE K., VICE PRESIDENT
AND
SHRI LAXMI PRASAD SAHU, ACCOUNTANT MEMBER

ITA No.824/Bang/2023
Assessment year : 2014-15

Sanjay Mangilal Jain, 1, C/o. M.P. Shah, Kaladagi Galli, Near Kabraji Bazar, Bijapur – 586 101. PAN: AAKPO 1671M	Vs.	The Income Tax Officer, Ward 1 & TPS, Bijapur.
APPELLANT		RESPONDENT

Appellant by	:	Shri Prasanna Urala & Smt. Preethi Patel, Advocates
Respondent by	:	Shri Ganesh R. Ghale, Standing Counsel

Date of hearing	:	05.12.2023
Date of Pronouncement	:	07.12.2023

ORDER

Per Laxmi Prasad Sahu, Accountant Member

This appeal is filed by the assessee against the DIN & Order dated 27.9.2023 of the CIT(Appeals), National Faceless Appeal Centre, Delhi [NFAC] for the AY 2014-15.

2. The brief facts of the case are that the assessee filed return of income on 9.10.2014 declaring total income of Rs.3,68,370. It was noticed that the assessee had deposited cash amounting to Rs.40,55,969 in his SB Account bearing No.913020033745678 maintained with Guru Basava Urban Souharda Credit Ltd., Bijapur which was followed by immediate transfer of funds to various parties which was not reflected in the ITR. Accordingly case was reopened and notice u/s. 148 was served on the assessee. In response, the assessee filed return declaring total income of Rs.7,18,810. Statutory notices were issued and the assessee submitted reply. In a nutshell, the AO observed that assessee has declared income u/s.44AD for which he did not maintain books of accounts and no evidence of purchase and sale bills and vouchers were furnished showing the genuineness of trading in sugar for more than 8 years. Even the assessee did not explain the source of cash deposit. For want of proper explanation of cash deposit of Rs.40,55,969 in the SB account, the AO treated the same as unexplained money u/s. 69A and added it to the total income of the assessee.

3. On appeal, the CIT(Appeals) issued various notices on different dates, but the assessee did not comply with the same. Accordingly, the CIT(Appeals) decided the issue on the basis of material on record and dismissed the appeal of the assessee. Aggrieved, the assessee is in appeal before the Tribunal.

4. The Id. AR submitted that the notices issued by the CIT(Appeals) were never served to the assessee and therefore the assessee could not comply with the notices. He prayed for another opportunity to the assessee to substantiate assessee's claim before the AO and he undertook to comply with the notices and file necessary documents in support of the claim.

5. On the other hand, the Id. DR opposed to providing another opportunity to the assessee since the assessee did not comply to the various notices issued by AO and the CIT(A).

6. After perusing the material on record, we note that assessee has deposited cash in the Saving Banks account which has been added u/s. 69A of the Act for want of proper explanation from the assessee. Before the authorities below, the assessee has not represented its case in terms of notice issued by the lower authorities. Considering the prayer of the assessee, in the interest of justice, we deem it fit to provide one more opportunity to the assessee to substantiate his claim, subject to payment of costs of Rs.10,000/- (Rupees Ten Thousand Only). Accordingly we restore the case to the Assessing Officer for de novo consideration and decision as per law, after reasonable opportunity to the assessee. The assessee will file proof of payment of costs before the Assessing Officer to initiate fresh assessment proceedings. The assessee is directed to comply with the notices issued by the revenue authorities and also intimate the email-id / communication address and telephone/mobile no. of the assessee to the

department. The assessee is also directed not to seek unnecessary adjournment for early disposal of the case.

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

Pronounced in the open court on this 07th day of December, 2023.

Sd/-
(GEORGE GEORGE K.)
VICE PRESIDENT

Sd/-
(LAXMI PRASAD SAHU)
ACCOUNTANT MEMBER

Bangalore,
Dated, the 07th December, 2023.

/Desai S Murthy /

Copy to:

1. Appellant
2. Respondent
3. CIT
4. CIT(A)
5. DR, ITAT, Bangalore.

By order

Assistant Registrar
ITAT, Bangalore.