

THE INCOME TAX APPELLATE TRIBUNAL
AHMEDABAD "SMC" BENCH

Before: Ms. Suchitra Kamble, Judicial Member

**ITA No. 930/Ahd/2023
Assessment Year 2017-18**

Satsang Villa Co-Operative Housing Service Society Ltd. Satsang Villa, B/h. Madhav Farm Opp. S.P. Ring Road, Odhav, Ahmedabad PAN: AAQAS0537F (Appellant)	Vs	The Income Tax Officer, Ward-2(3)(5), Ahmedabad (Respondent)
-----------------------------------------------------------------------------------------------------------------------------------------------------------	----	--------------------------------------------------------------

Assessee by: Shri Chetan Agarwal, A.R.
Revenue by: Shri Purushottam Kumar, Sr. D.R.

Date of hearing : 11-01-2024
Date of pronouncement : 17-01-2024

आदेश/ORDER

This is an appeal filed against the order dated 16-10-2023 passed by National Faceless Appeal Centre (NFAC), Delhi for assessment year 2017-18.

2. The grounds of appeal are as under:-

"1. Learned CIT(A) has erred in law as well on facts in dismissing the appeal ex-parte.

2. *Learned CIT(A) has erred in law as well as on fact in confirming the addition of Rs. 17,39,000/- made by ld. AO u/s. 69A.*

Total tax effect

Rs. 5,21,700/-”

3. The assessee filed return of income for assessment year 2017-18 on 29-03-2018 declaring total income of Rs. Nil. The case was selected for complete scrutiny under CASS. Accordingly, the notice u/s. 143(2) of the Income Tax Act, 1961 was issued on 24-09-2018 and duly served upon the assessee. All the statutory notices were issued and served to the assessee. The assessee filed reply before the Assessing Officer and after taking cognizance of the said reply, the Assessing Officer has made addition of Rs. 17,39,000/- as unexplained income u/s. 69A of the Act.

4. Being aggrieved by the assessment order, the assessee filed appeal before the CIT(A). The CIT(A) dismissed the appeal.

5. The ld. A.R. submitted that the CIT(A) passed ex-parte order and the matter may be remanded back to the file of CIT(A) for proper adjudication of the case on merits. The ld. A.R. submitted that the notices were not responded by the assessee due to the non-follow up of the case records by the designated person appointed by the assessee.

6. The ld. D.R. relied upon the assessment order and the order of the CIT(A). The ld. D.R. further submitted that the assessee was ample opportunity but chose not to represent its case before the CIT(A).

7. Heard both the parties and perused all the relevant materials available on record. It is pertinent to note that there is no mention of service of notice in the order of CIT(A). The order is passed ex-parte without giving proper opportunity to the assessee for deciding the matter. In the interest of justice, it will be proper to remand this matter back to the file of the CIT(A) for proper adjudication of the issues decided therein on merit and decide the same as per law. Needless to say, the assessee be given opportunity of hearing by following principles of natural justice.

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

Order pronounced in the open court on 17-01-2024

Sd/-

(SUCHITRA KAMBLE)
JUDICIAL MEMBER

Ahmedabad : Dated 17/01/2024

आदेश की प्रतिलिपि अग्रेषित / Copy of Order Forwarded to:-

1. Assessee
2. Revenue
3. Concerned CIT
4. CIT (A)
5. DR, ITAT, Ahmedabad
6. Guard file.

By order/आदेश से,

True Copy

उप/सहायक पंजीकार
आयकर अपीलीय अधिकरण,
अहमदाबाद