

**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.1145/Bang/2023
Assessment year : 2012-13

Sharanakumar Pyati, Near Police Station, Indiranagar, Talikota, Muddebihal, Bijapur – 586 214. PAN: BSVPP 6809G	Vs.	The Income Tax Officer, Ward-3, Vijayapur.
APPELLANT		RESPONDENT

Appellant by	:	Shri Kashinath Kalamath, Advocate
Respondent by	:	Shri Ganesh R. Ghale, Jt.CIT(DR)(ITAT), Bengaluru.

Date of hearing	:	24.01.2024
Date of Pronouncement	:	24.01.2024

ORDER

Per Laxmi Prasad Sahu, Accountant Member

This appeal is filed by the assessee against the ex parte DIN & Order No.ITBA/NFAC/S/250/2023-24/1057509751(1) dated 30.10.2023 of the CIT(Appeals), National Faceless Appeal Centre, Delhi [NFAC], for the AY 2012-13.

2. The brief facts of the case are that as per AIR information it was noticed that the assessee has deposited cash in his bank accounts maintained with Karnataka Bank Ltd., Talikota Branch of

Rs.22,94,620. Accordingly notice u/s. 148 was issued. The assessee did not reply even after 30 days time. Thereafter another notice 142(1) was issued which was also not complied by the assessee. Accordingly, the AO on the basis of material on record completed the assessment u/s. 144 of the Act treating the entire cash deposit as unexplained and made addition u/s. 69A.

3. Aggrieved from the assessment order, the assessee filed appeal before the CIT(Appeals). The CIT(Appeals) issued five notices, however, the assessee did not respond to any of the notices. Therefore, the CIT(Appeals) decided the issue ex parte 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 assessee is residing in a remote area and running a retail shop and he was not aware of the income-tax proceedings and the notices issued therefore he could not reply to the notices issued by both the authorities. He requested that if a chance is given the assessee will prove the source of cash deposits before the authorities and undertook to comply to all the notices. Accordingly he submitted that the matter may be sent back to the AO.

5. On the other hand, the Id. DR opposed the request of the assessee for another chance since both the authorities gave several opportunities but the assessee ignored.

6. Considering the rival submissions, we note that the assessee has deposited cash in Karnataka Bank Ltd. Talikoti Branch of Rs.22,94,620 and no return was filed by the assessee. Even the assessee did not file return in response to notice u/s. 148 and did not comply with other statutory notices. Considering the submission of the Id. AR that the assessee is residing in a remote area and not aware of income-tax proceedings. The Id. AR undertook during the hearing that all notices will be complied. In the interest of justice, we remit the issue in appeal to the AO for fresh consideration and decision as per law, after reasonable opportunity of hearing to the assessee. The assessee is directed to intimate the correct email-id and communication address, mobile no., etc. to the department and produce all the documents necessary to substantiate his claim and not seek unnecessary adjournment for early disposal of the case.

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

Pronounced in the open court on this 24th day of January, 2024.

Sd/-
(GEORGE GEORGE K.)
VICE PRESIDENT

Sd/-
(LAXMI PRASAD SAHU)
ACCOUNTANT MEMBER

Bangalore,
Dated, the 24th January, 2024.

/Desai S Murthy/

Copy to:

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

By order

Assistant Registrar
ITAT, Bangalore.