

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

**BEFORE CHANDRA POOJARI, ACCOUNTANT MEMBER AND  
SHRI NARENDRA KUMAR CHODHRY, JUDICIAL MEMBER**

ITA No.72/Bang/2024
Assessment Year : 2017-18

Shri. Ajarudden Umikkala, Masthikatte House, Bellate Village and Post, Sullia, Dakshina Kannada, Karnataka – 574 212. <b>PAN : AELPU 1800 P</b>	Vs.	ITO, Ward – 1, Puttur.
APPELLANT		RESPONDENT

Assessee by	:	Shri. Srinivasa Kamath, CA
Revenue by	:	Shri. Ganesh R Ghale, Advocate – Standing Counsel for Revenue.

Date of hearing	:	12.02.2024
Date of Pronouncement	:	12.02.2024

**ORDER**

***Per Bench :***

This appeal at the instance of the assessee is directed against NFAC’s order dated 10.10.2023, passed under section 250 of the Income Tax Act, 1961 (hereinafter called ‘the Act’). The relevant Assessment Year is 2017-18.

2. Assessee has raised the following grounds:

1. *The impugned orders of the authorities below are opposed to the law and facts of the case*
2. *The impugned orders are against the provisions of Law/Act and have been made in violation of the principles of natural justice and equity.*

3. *On the facts and circumstances of the case, the Learned Assessing Officer erred in charging Rs. 14,46,503/- to tax w/s 69A of the Act and tax ed the same u/s 115BBE of the Act.*
4. *On the facts and circumstances of the case, the Assessing Officer erred in charging interest of Rs. 3,12,872 and Rs.3,57,568 u/s 234A and 234B respectively of the Act.*
5. *The appellant craves for leave to, add to, delete from or amend the grounds of appeal.*

3. In this case assessee has not filed return of income under section 139 of the Act. The AO found that there were total credits into assessee bank account during the demonetization period to the tune of Rs.14,46,503/-. Out of this cash of Rs.11,93,103/- was deposited during the demonetization period. Assessee did not file the return of income hence notice under section 142(1) of the Act was issued on 14.03.2018. Assessee did not reply to the above notice. One more show cause notice was issued on 24.10.2019. Assessee submitted a letter dated 05.11.2018 along with bank statement for the period from Financial Year 2013-14 to October, 2019 in respect of bank account with Syndicate Bank bearing No.2542200026875. Later, no details were filed. Hence, the AO passed ex-parte order under section 144 of the Act treating the total of Rs.14,46,503/- as income of the assessee under section 69A r.w.s. 115BBE of the Act.

4. Against this, assessee filed appeal before the NFAC. Several opportunities were provided to the assessee to file the written submissions. However, no details were filed before the NFAC and NFAC passed the ex-parte order confirming the addition made by the AO. Against this, assessee is in appeal before us.

5. We have heard the rival submissions and perused the material on record. The Office of the CIT(A) had issued several notices directing the assessee to file written submissions. Since there was no written submission filed on the part of the assessee, the CIT(A) passed ex-parte order. We strongly deprecate the

nonchalant attitude of the assessee in not filing the written submissions on time. However, in the interest of justice and equity, we are of the view that assessee ought to be provided with one more opportunity to present his case and accordingly the issues are restored to the files of the AO. The AO shall follow the necessary instruction in case of cash deposits of specified bank notes during the demonetization period. The assessee is directed to co-operate with the Revenue and shall not seek unnecessary adjournment. It is ordered accordingly.

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

*Pronounced in the open court on the date mentioned on the caption page.*

**Sd/-**

**(NARENDRA KUMAR CHOUDHRY)**  
**Judicial Member**

**Sd/-**

**(CHANDRA POOJARI)**  
**Accountant Member**

Bangalore.

Dated: 12.02.2024.

/NS/\*

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|---------------|-------------------------|
| 1. Appellants | 2. Respondent           |
| 3. DRP        | 4. CIT                  |
| 5. CIT(A)     | 6. DR, ITAT, Bangalore. |
| 7. Guard file |                         |

By order

Assistant Registrar,  
ITAT, Bangalore.