

आयकर अपीलीय अधिकरण, हैदराबाद पीठ में
**IN THE INCOME TAX APPELLATE TRIBUNAL
HYDERABAD BENCHES "B" , HYDERABAD**

BEFORE

**SHRI R.K. PANDA, VICE PRESIDENT
AND
SHRI LALIET KUMAR, JUDICIAL MEMBER**

ITA No.577/Hyd/2023		
Assessment Year: 2011-12		
Kiran Venkat Anand Sanaka, Hyderabad. PAN : BCTPS2882L.	Vs.	The Income Tax Officer, Ward 9(1), Hyderabad.
(Appellant)		(Respondent)
Assessee by:	Shri Bhandari Rajesham, C.A.	
Revenue by:	Ms. Sheetal Sarin, SR.AR	
Date of hearing:	04.03.2024	
Date of pronouncement:	06.03.2024	

ORDER

PER LALIET KUMAR, J.M.

This appeal is filed by the assessee, feeling aggrieved by the order passed by the Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi dated 27.10.2023 for the AY 2011-12 on the following grounds :

2. The grounds raised by the assessee reads as under :

“1. As per the instructions of my employer and as response for the Notice received U/s. 148, I have filed income tax returns for the Assy Year 2011-12 and Assy. Year 2012-13. and declared the sources and payments of funds. All the documents and information on have been submitted with regards to the same in the previous proceedings and the same have been disclosed below.

2. All the amounts which we have credited in my accounts belongs to employer and all the payments were made to him through account payee only. Later the employer has rejected the facts before the tax authorities.

3. the same employer is under Enforcement Directorate investigations and they have included me also.

4. As I am an individual and helpless person before these investigating authorities and revenue authorities, I request the respected Judicial Authority to include in the proceedings by adding MPM hotels and its Directors of MPM hotels for the same.”

3. Facts of the case, in brief, are that assessee is an individual and was a non-filer for A.Y 2011-12. On the basis of information available with the department, it was found that the assessee had made cash deposits in his bank accounts to the tune of Rs. 1,32,80,170/-. As assessee has not filed his return of income, a notice u/s 148 of the Act dated 23/03/2018 was issued however the same was remained uncompiled with. Subsequently, the statutory notices were also issued vide dated 13/11/2018 & 11/12/2018. In response to the notice, the assessee filed the tax return offering business income of Rs. 6,62,456/- out of gross receipts of Rs.82,80,710/- and salary income of Rs. 3,48,600/-. He also submitted ledger of payment made to M/s Sujana metals

products limited and further submitted that the funds deposited in bank account does not belong to him, the same belongs to M/s. MPM Hotel, but the assessee has not submitted any documentary evidence other than the ledger. As no satisfactory explanation was offered for cash deposits of Rs.1,32,80,170 except some claims, the AO concluded the assessment proceedings and passed the assessment order u/s 143(3) r.w.s.147 of the Income-tax Act, 1961 on 24/12/2018 determining total assessed income at Rs.1,36,28,770/- and levied tax thereof at Rs.1,10,99,696/-. Thus, Assessing Officer completed the assessment and passed assessment order dt.24.12.2018 u/s 143(3) r.w.s. 147 of the Act.

4. Feeling aggrieved by the order passed by the assessing officer, assessee filed appeal before the Ld. CIT(A) / NFAC, who dismissed the appeal of assessee on account of non-prosecution and on merits.

5. Feeling aggrieved with the order of ld.CIT(A), assessee is now in appeal before us.

6. Before us, ld.AR submitted that the assessee has failed to provide necessary information and appear before the lower authorities. Hence, the ld. AR requested the Bench to remand the matter back to the file of Assessing Officer. Ld.AR further submitted that as the assessee has sufficient cause from putting

in appearance before the lower authorities, matter may kindly be remitted back to the authorities below for afresh adjudication.

7. Per contra, the ld.DR relied upon the orders of lower authorities.

8 We have heard the rival contentions of both the parties and perused the material available on record and also the orders passed by the lower authorities. On perusal of the impugned order passed by ld.CIT(A), we found that ld.CIT(A) passed order confirming the action of the Assessing Officer. The merits of the assessee's appeal before the ld.CIT(A) have neither been discussed nor decided by the ld.CIT(A). From para 1.5 of the order of ld.CIT(A), it is clear that ld.CIT(A) was forced to decide the appeal on the basis of material available on record, as there was no representation on behalf of the assessee even after granting several opportunities. In view of the above reasons, in our view, the ends of justice will be met if the matter is remanded back to the file of Assessing Officer with a direction to decide the issue after considering the documents available on record and affording the opportunities of hearing to the assessee in accordance with law.

9. The assessee shall be at liberty to file documents, if any, as required for proving his case and the Assessing Officer shall consider the evidences, if any, filed by the assessee. Needless to

say the Assessing Officer shall examine those documents / evidence filed by the assessee and also the other documents available on record. After considering the documents filed by the assessee and the submissions made by the assessee, the Assessing Officer shall pass a detailed speaking order dealing with the contentions of the assessee. We have not adjudicated the other grounds on merits as we are setting aside the orders passed by the lower authorities to the file of Assessing Officer for fresh adjudication. Thus, the grounds of the assessee are allowed for statistical purposes.

10. In the result, the appeal of the assessee is treated as allowed for statistical purposes.

Order pronounced in the Open Court on 6th March, 2024.

Sd/- (R.K. PANDA) VICE PRESIDENT	Sd/- (LALIET KUMAR) JUDICIAL MEMBER
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Hyderabad, dated 6th March, 2024.

TYNN/sps

Copy to:

S.No	Addresses
1	Kiran Venkat Anand Sanaka, Hyderabad, 156 16-11-16, Siripuram Colony, Malakpet, Telangana – 500036.
2	The Income Tax Officer, Ward 9(1), Hyderabad.
3	Prl.CIT, Hyderabad.
4	DR, ITAT Hyderabad Benches
5	Guard File

By Order