

आयकर अपीलीय अधिकरण “बी” न्यायपीठ चेन्नई में।
IN THE INCOME TAX APPELLATE TRIBUNAL
“B” BENCH, CHENNAI

माननीय श्री महावीर सिंह, उपाध्यक्ष एवं
माननीय श्री मनोज कुमार अग्रवाल, लेखक सदस्य के समक्ष।
BEFORE HON'BLE SHRI MAHAVIR SINGH, VP AND
HON'BLE SHRI MANOJ KUMAR AGGARWAL, AM

आयकर अपील सं. ITA No.1416/Chny/2023
(निर्धारण वर्ष / Assessment Year: 2017-18)

Shri Arunachalam Sivakumar 31, Subramaniam Road, R.S.Puram Coimbatore-641 002.	बनम / Vs.	ITO Non-Corporate Ward-2(1), Coimbatore.
स्थायी लेखासं./जीआइआरसं./PAN/GIR No.	AHXPS-4660-C	
(अपीलार्थी/ Appellant)	:	(प्रत्यर्थी / Respondent)

अपीलार्थीकी ओरसे/ Appellant by	:	Ms. Hema Muralikrishnan (Advocate)-Ld. AR
प्रत्यर्थीकी ओरसे/ Respondent by	:	Shri D. Hema Bhupal (JCIT)- Ld. Sr. DR

सुनवाईकी तारीख/ Date of final Hearing	:	07-03-2024
घोषणाकी तारीख / Date of Pronouncement	:	07-03-2024

आदेश / ORDER

Manoj Kumar Aggarwal (Accountant Member)

1. Aforesaid appeal by assessee for Assessment Year (AY) 2017-18 arises out of the order of learned Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi [CIT(A)] dated 04-10-2023 in the matter of an assessment framed by Ld. Assessing Officer [AO] u/s. 143(3) of the Act on 15-12-2019.
2. At the time of hearing, Ld. AR, at the outset, submitted that the first appeal has been dismissed for non-prosecution by applying the decision in CIT Vs. M/s. Multi Plan India Ltd. 38 ITD 320 and there is no adjudication on merit. The Ld. AR pleaded for another opportunity of

hearing before lower authorities to substantiate its case. The Ld. Sr. DR drew our attention to para 1.1 of the impugned order and submitted that as many as six notices were sent to assessee which were not complied with by the assessee. Therefore, the Ld. CIT(A) had no option but to confirm the assessment. Having heard rival submissions, the appeal is disposed-off as under.

3. From the facts, it emerges that assessee's case was selected for scrutiny to verify large cash deposits made during the year. It transpired that the assessee deposited cash of Rs.19.00 Lacs in Axis bank account in three tranches, details of which has been extracted by the Ld. AO on Page nos. 2 & 3 of the assessment order. Accordingly, the assessee was directed to substantiate the source of the same. Though the assessee furnished certain explanation, it was not found acceptable by Ld. AO in the absence of satisfactory evidences forthcoming from the assessee. Finally, the amount of Rs.19.00 Lacs was added to the income of the assessee u/s. 69A of the Act. The assessee failed to make any representative during first appellate proceedings and accordingly, the assessment was confirmed. Aggrieved, the assessee is in further appeal before us.

4. From the facts, it emerges that the onus to substantiate the cash deposits was completely on the assessee. However, the assessee failed to substantiate the same. Considering the prayer of Ld. AR as well as keeping in mind the principles of natural justice, the bench deems it fit to provide another opportunity of hearing to the assessee. Accordingly, the impugned order is set aside and the assessment is restored back to the file of the Ld. AO for de-novo assessment with a direction to the

assessee to substantiate the source of impugned cash deposits. No other ground has been urged before us.

5. The appeal stand allowed for statistical purposes.

Order pronounced in open court on 07th March, 2024.

Sd/-
(MAHAVIR SINGH)
उपाध्यक्ष / **VICE PRESIDENT**

Sd/-
(MANOJ KUMAR AGGARWAL)
लेखा सदस्य / **ACCOUNTANT MEMBER**

चेन्नई Chennai; दिनांक Dated : 07-03-2024
DS

आदेशकीप्रतिलिपिअग्रेषित/Copy of the Order forwarded to :

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकरआयुक्त/CIT
4. विभागीयप्रतिनिधि/DR
5. गार्डफाईल/GF