

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.109/Hyd/2024		
Assessment Year: 2017-18		
Mir Murtuza Ali, Hyderabad.  PAN : AQAPA0170F  (Appellant)	Vs.	The Income Tax Officer, Ward 9(1), Hyderabad.  (Respondent)
Assessee by:	None	
Revenue by:	Ms. K. Haritha, CIT-DR	
Date of hearing:	18.03.2024	
Date of pronouncement:	19.03.2024	

**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 08.12.2023 for the AY 2018-19 on the following grounds :

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

*“1. The learned CIT(A) has erred in law and on facts and circumstances of the case in dismissing the appeal filed for the AY 2018-19.*

*2. The learned CIT(A) has grossly erred in law and on facts in dismissing the appeal filed for the AY 2018-19 summarily for non-compliance and non-pursuance during appeal proceedings without adjudicating on merits of the grounds of appeal raised in Form-35.*

*3. The learned CIT(A) has grossly erred in law and on facts in dismissing the appeal filed for the AY 2018-19 summarily and without adjudicating on merits of the grounds of appeal raised in Form-35 on the basis of detailed submissions made on different dates by the Appellant before the Assessing Officer.*

*4. The learned CIT(A) has grossly erred in law and on facts in dismissing the appeal filed for the AY 2018-19 by relying on the analysis of the Assessing Officer in the assessment order dated 08.03.2021 without appreciating that the conclusions drawn by the Assessing Officer are contrary to the documentary evidence submitted by the Appellant.”*

3. Facts of the case, in brief, are that assessee is an individual and Non-Resident of India for almost 20 plus years and has returned to India during FY 2014-15 Relevant to AY 2015-16. During the assessment year 2018-19, the assessee has filed his return of income electronically declaring a total income of Rs. 27,02,840/- and the income returned has been processed by CPC accepting the income returned u/s 143(1) of the Act. The case of the assessee was selected for scrutiny under CASS and notices were issued from time to time to which the assessee has responded. As per the information available with Assessing

Officer, assessee's capital was increased to Rs.20,69,26,027/- as on 31<sup>st</sup> March 2018 from Rs.12,51,56,649/- as on 31<sup>st</sup> March 2017. During the assessment proceedings, the Assessing Officer has asked the assessee to explain the reasons for increase in capital during the year amounting to Rs. 8,86,32,658/- and why the same should not be treated as unexplained increase in Capital u/s 68 of Income Tax Act, for which assessee has offered his detailed explanation along with all supporting evidence and requested for an opportunity, through Video Conference to present his case. However, the Assessing Officer brushed aside the submissions, request of the assessee and proceeded to make the addition u/s 68 of Income Tax Act as per the material available on record. Accordingly, the Assessing Officer completed the assessment u/s 143(3) r.w.s. 143(3A) and 143(3B) of the Act interalia making addition of Rs.8,86,32,658/- to the income of the assessee and passed assessment order on 08.03.2021 determining the total income of the assessee at Rs.9,13,35,498/-.

4. Feeling aggrieved by the order passed by the assessing officer, assessee filed appeal before the Ld. CIT(A), who dismissed the appeal of assessee.

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

6. When the matter was called on, none appeared on behalf of the assessee despite due service of notice of hearing. Therefore, we proceed to dispose of the appeal after hearing the ld. DR.

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

8 We have heard the ld. DR and perused the material available on record and also the order passed by the lower authorities. On perusal of the impugned order passed by ld.CIT(A), we found that ld.CIT(A) passed an 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 paragraphs 4 to 7.2 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. 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 ld.CIT(A) 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 Id.CIT(A) shall consider the evidences, if any, filed by the assessee. Needless to say the Id.CIT(A) 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 Id.CIT(A) 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 Id.CIT(A) 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 19<sup>th</sup> March, 2024.

<b>Sd/-</b> <b>(R.K. PANDA)</b> <b>VICE PRESIDENT</b>	<b>Sd/-</b> <b>(LALIET KUMAR)</b> <b>JUDICIAL MEMBER</b>
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Hyderabad, dated 19<sup>th</sup> March, 2024.

***TYNN/sps***

Copy to:

S.No	Addresses
1	Mir Murtuza Ali, Hyderabad, R/o.307 and 308, MQ Dreams, Hyderguda, Attapur, Telangana – 500048.
2	The Income Tax Officer, Ward 9(1), Hyderabad.
3	Prl.CIT, Hyderabad.
4	DR, ITAT Hyderabad Benches
5	Guard File

*By Order*