

IN THE INCOME TAX APPELLATE TRIBUNAL
PUNE "SMC" BENCH : PUNE [VIRTUAL HEARING]
BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER

आयकर अपील सं. /ITA No.1278/PUN/2023

निर्धारण वर्ष / Assessment Year : 2015-16

Vijay Chimaji Shinde, B-12, Suryawanshi Tower, Bhekrai Nagar, Parmar Parisar, Phursungi, Pune 412 307 Maharashtra PAN : BSSPS8319F (Appellant)	vs.	Income Tax Officer, Ward-4(5), Pune (Respondent)
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For Assessee :	Shri Pramod S. Shingte
For Revenue :	Smt. Neha Deshpande

Date of Hearing :	14.03.2024
Date of Pronouncement :	27.03.2024

ORDER

PER SATBEER SINGH GODARA, J.M. :

This assessee's appeal for assessment year 2015-16, arises against the National Faceless Appeal Centre [in short the "NFAC"] Delhi's Din and Order No.ITBA/NFAC/S/250/2023-24/1056999742(1), dated 12.10.2023, involving proceedings u/s.147 r.w.s.144B of the Income Tax Act, 1961 (in short "the Act").

Heard both the parties at length. Case file perused.

2. Coming to the assessee's sole substantive grievance herein seeking to reverse both the learned lower authorities action making section 2(22)(e) deemed dividend addition of Rs.16,84,370/- representing loans availed from M/s. Precision Agritech Pvt. Ltd., the Revenue could hardly dispute that the

learned NFAC impugned lower appellate discussion has nowhere dealt with the merits thereof as contemplated u/s.250(6) of the Act. Faced with this situation, the assessee's substantive ground pleaded in the instant appeal is hereby restored to the NFAC for fresh appropriate adjudication in accordance with law, preferably within three effective opportunities of hearing subject to rider that it shall be the assessee's onus only to plead and prove all facts with the relevant evidences in consequential proceedings.

3. This assessee's appeal is allowed for statistical purposes in above terms.

Order pronounced in the open Court on 27th March, 2024.

Sd/-
[SATBEER SINGH GODARA]
JUDICIAL MEMBER

Pune, Dated : 27th March, 2024

Satish

Copy to :

1.	The appellant
2.	The respondent
3.	The Pr. CIT, Pune concerned
4.	D.R. ITAT, "SMC" Bench, Pune.
5.	Guard File.

//By Order //

//True Copy //

Sr. Private Secretary, ITAT,
Pune Benches, Pune.