

आयकर अपीलीय अधिकरण 'सी' न्यायपीठ चेन्नई में।
IN THE INCOME TAX APPELLATE TRIBUNAL
'C' BENCH, CHENNAI

मजनीय श्री मनोज कुमार अग्रवाल, लेखक सदस्य एवं
मजनीय श्री मनु कुमार गिरि, न्यायिक सदस्य के समक्ष।
BEFORE HON'BLE SHRI MANOJ KUMAR AGGARWAL, AM
AND HON'BLE SHRI MANU KUMAR GIRI, JM

आयकर अपील सं. ITA No.33/Chny/2024
(निर्धारणवर्ष / Assessment Year: 2017-18)

Shri Gopalakrishnan Srinivasan 53/25, Perumal Koil Street, Saidapet, Chennai-600 015.	बनम/ Vs.	ITO Non- Corporate Ward-19(7) Chennai.
स्थायी लेखासं./जी आइ आर सं./PAN/GIR No. BGAPS-8386-Q		
(अपीलार्थी/ Appellant)	:	(प्रत्यर्थी / Respondent)

अपीलार्थी की ओरसे/ Appellant by	:	None
प्रत्यर्थी की ओरसे/ Respondent by	:	Shri P. Sajit Kumar (JCIT)-Ld. Sr. DR

सुनवाई की तारीख/ Date of Hearing	:	16-04-2024
घोषणा की तारीख / Date of Pronouncement	:	16-04-2024

आदेश / ORDER

Manoj Kumar Aggarwal (Accountant Member)

1. Aggrieved by confirmation of certain addition for Assessment Year (AY) 2017-18, the assessee is in further appeal before us. At the time of hearing, none appeared for assessee. The Ld. Sr. DR pleaded for dismissal of the appeal on the ground that the appeal was not admitted by Ld. CIT(A) for want of condonation of delay of 43 days. It emerges that the assessment has been framed u/s 144 r.w.s.147 of the Act. Upon perusal of para 4 of the impugned order, it could be seen that the assessee has not attended the appellate proceedings as well and Ld.

CIT(A) has not admitted the appeal of the assessee. The registry has noted delay of 6 days in the appeal, which stand condoned.

2. Though we concur with the submissions of Ld. Sr. DR, however, keeping in mind the principle of natural justice, we deem it fit to grant another opportunity of hearing to the assessee. Accordingly, the impugned order is set aside and the appeal is restored back to the file of Ld. CIT(A) for de novo adjudication after affording opportunity of hearing to the assessee. The assessee is directed to substantiate its case forthwith and also explain the delay in filing of appeal.

4. The appeal stand allowed for statistical purposes.

Order pronounced on 16th April, 2024.

Sd/-
(MANU KUMAR GIRI)
न्यायिक सदस्य / JUDICIAL MEMBER

Sd/-
(MANOJ KUMAR AGGARWAL)
लेखक सदस्य / ACCOUNTANT MEMBER

चेन्नई Chennai; दिनांक Dated : 16-04-2024
DS

आदेशकीप्रतिलिपिअग्रेषित/Copy of the Order forwarded to :

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