

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

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

आयकरअपील सं./ ITA No.227/Chny/2024
(निर्धारणवर्ष / Assessment Year: 2017-18)

Mubarak,
1/17, Sri Devi Nagar,
1st Street, P.N.T. Colony Road,
Kavundampalayam,
Coimbatore 641 030.

Vs. The Income Tax Officer,
Non Corporate Ward 2(3)
Coimbatore.

[PAN: AMFPM 9823J]

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से/ Appellant by

: Shri. S. Girish Kumar, Advocate

प्रत्यर्थी की ओर से /Respondent by

: Shri. P. Sajit Kumar, IRS, JCIT.

सुनवाई की तारीख/Date of Hearing

: 17.04.2024

घोषणा की तारीख /Date of Pronouncement

: 17.04.2024

आदेश / O R D E R

MANU KUMAR GIRI (Judicial Member)

This appeal filed by the assessee is directed against the order of the Ld. Commissioner of Income Tax(Appeal)(NFAC) Delhi [CIT(A)] in order No. ITBA/NFAC/S/250/2023-24/1057522358 (1) dated 30.10.2023. The assessment was framed by the Income Tax Officer, Non Corporate Ward 2(3), Coimbatore for the assessment year 2017-2018 u/s.144 r.w.s.

144(1) (b) of the Income Tax Act, 1961 (hereinafter the 'Act'), vide order dated 03.10.2019.

2. At the outset, Ld. Counsel for the appellant submitted that Ld. CIT(A) had violated the principles of natural justice and purported notices dated 08.01.2021, 29.09.2023 and 11.10.2023 were sent to the Assessee. Ld. Counsel for the appellant further prayed that if an adequate opportunity of hearing is given to appellant, appellant would prosecute his case properly before the Ld. CIT(A).

03. Per contra, the Ld. Sr. DR pleaded for dismissal of the appeal on the ground that the assessee failed to appear before the Id. first appellate authority.

04. Brief facts of the case are that the Assessing Officer made addition on account of cash deposits during demonetisation period treated as unexplained money under section 69A and taxed u/s115BBE of the Income Tax Act. Upon further appeal, the position remained the same and the assessee did not appear before the first appeal authority also. Accordingly, the assessment was confirmed against which assessee is in further appeal before us.

05. We have done the rival contention and perused the material on record. Though we appreciate the submissions of Ld. Sr. DR however keeping in mind the principles of natural justice we deem it fit to grant another opportunity

of hearing to the assessee to substantiate his case. Accordingly, the impugned order is set aside and the assessment is restored back to the file of Ld. A.O. for de novo adjudication after affording proper opportunity of hearing to the assessee subject to cost of Rs.5000/- which shall be deposited by the assessee within 30 days from the date of receipt of this order to 'Tamil Nadu State Legal Services Authority' at Hon'ble High Court of Madras. The proof of the same will be furnished by the Assessee before Ld. A.O. whose shall proceed for de novo assessment. The assessee is directed to substantiate his case forthwith without any fail, failing which Ld. A.O. shall be at liberty to proceed with the de novo assessment on merits.

06. In the result, the appeal of the assessee in ITA No.227/Chny/2024 for assessment year 2017-2018 is allowed for statistical purpose.

Order pronounced in the open court at the time of hearing on 17th day of April , 2024, at Chennai.

Sd/-

(मनोज कुमार अग्रवाल)

(MANOJ KUMAR AGGARWAL)

लेखा सदस्य / ACCOUNTANT MEMBER

चेन्नई Chennai:

दिनांक Dated :17-04-2024

KV

आदेश की प्रतिलिपि अग्रेषित /Copy to :

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकर आयुक्त/CIT
4. विभागीय प्रतिनिधि/DR
5. गार्डफाईल/GF

Sd/-

(मनु कुमार गिरि)

(MANU KUMAR GIRI)

न्यायिक सदस्य / JUDICIAL MEMBER