

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

माननीय श्री मनोज कुमार अग्रवाल, लेखक 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

आयकर अपील सं. ITA No.520/Chny/2024
(निर्धारण वर्ष / Assessment Year: 2017-18)

Smt V.K. Maheswari #68, AKMG Nagar, Karur Road, Dindigul-624 005.	बनम/ Vs.	ACIT, Non-Corporate Range-2 Madurai.
स्थायी लेखासं./जीआइआरसं./PAN/GIR No. AFBPM-7361-N		
(पीलार्थी/ Appellant)	:	(प्रत्यर्थी / Respondent)

अपीलार्थी की ओरसे/ Appellant by	:	None
प्रत्यर्थी की ओरसे/ Respondent by	:	Shri AR V Sreenivasan (Addl.CIT)-Ld. Sr. DR

सुनवाई की तारीख/ Date of Hearing	:	30-04-2024
घोषणा की तारीख / Date of Pronouncement	:	06-05-2024

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 30-11-2023 confirming penalty of Rs.11.50 Lacs as levied by Ld. AO u/s.271D on 07-09-2022 on the allegation that the assessee received sale consideration on transfer of immovable property in cash in contravention to the provisions of Section 269SS of the Act. At the time

of hearing, none appeared for assessee. The Ld. Sr. DR pleaded for dismissal of the appeal.

2. The registry has noted a delay of 30 days in the appeal, the condonation of which has been sought by the assessee. Considering the period of delay, the delay is condoned and we proceed for disposal of the appeal.

3. Upon perusal of impugned order, it could be seen that the assessee has failed to make any representation therein. The Ld. CIT(A) confirmed the penalty in the absence of any explanation. Though the assessee has remained negligent, however, keeping in mind the principle of natural justice, we deem it fit to grant another opportunity to the assessee to substantiate its case. Accordingly, the appeal is restored back to learned CIT(A) for de novo adjudication after affording reasonable opportunity of hearing to the assessee. The assessee is directed to substantiate its case forthwith failing which Ld. CIT(A) shall be at liberty to proceed with disposal of appeal on merits.

4. The appeal stand allowed for statistical purposes.

Order pronounced on 6th May, 2024

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

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

चेन्नई Chennai; दिनांक Dated : 06-05-2024

DS

आदेशकीप्रतिलिपिअग्रेषित/Copy of the Order forwarded to :

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