

आयकर अपीलीय अधिकरण, हैदराबाद पीठ
IN THE INCOME TAX APPELLATE TRIBUNAL
Hyderabad 'B' Bench, Hyderabad

Before Shri Laliet Kumar, Judicial Member
And
Shri Manjunatha, G. Accountant Member

आ.अपी.सं / **ITA No.142/Hyd/2024**
(निर्धारण वर्ष/Assessment Year: 201)

Shri Narender Gundla Hyderabad PAN:AGZPG6511H (Appellant)	Vs.	Income Tax Officer Ward 9(1) Hyderabad (Respondent)
निर्धारिती द्वारा/Assessee by:	Advocate A.V. Raghuram	
राजस्व द्वारा/Revenue by:	Shri AVES Madhukar, DR	
सुनवाई की तारीख/Date of hearing:	09/05/2024	
घोषणा की तारीख/Pronouncement:	09/05/2024	

आदेश/ORDER

Per Manjunatha, G. A.M

This appeal filed by the assessee is directed against the order dated 13/12/2023 of the learned CIT (A)-NFAC Delhi, relating to A.Y.2022-23 on the ground that the learned CIT (A) NFAC erred in sustaining the addition of Rs.5,75,45,560 made by the Assessing Officer as unexplained money u/s 69A of the I.T. Act, 1961.

2. Facts of the case, in brief, are that the assessee has not filed his return of income for the A.Y 2013-14. In this case, the assessee has made cash transaction aggregating to

Rs.5,75,45,560/- in his bank account. Accordingly, the case was reopened by recording the reasons for reopening the assessment u/s 147. The Assessing Officer issued notice u/s 148 of the Act on 31.03.2021 through email to which the assessee did not file return of income. Another notice u/s 142(1) of the I.T. Act, 1961 was issued to the assessee on 17.11.2021 to which also there was no response from the assessee. Despite several notices issued, there was non-compliance from the assessee to file his return of income. Thus, there was sufficient reason for the Assessing Officer to believe that the cash deposits of Rs.5,75,45,560/- have been made by the assessee from undisclosed sources. Thus, the Assessing Officer completed the assessment u/s 147 r.w.s. 144 r.w.s. 144B of the Income Tax Act, 1961 and made addition of Rs.5,75,45,560/-. The Assessing Officer also issued penalty notice u/s 271(1)(c) and 271F of the I.T. Act in respect of income determined u/s 69A of the Act for failure to file the return of income.

3. In appeal, learned CIT (A) NFAC dismissed the appeal of the assessee on the ground that the assessee is not interested in pursuing his appeal and upheld the action of the Assessing Officer.

4. Aggrieved with such order of the learned CIT (A) NFAC the assessee is in appeal before the Tribunal.

5. The learned Counsel for the assessee fairly conceded that there was a failure on the part of the assessee not to file return of income which was due to certain unavoidable reasons

which was beyond the control of the assessee. He further submitted that given an opportunity, the assessee would be in a position to submit the requisite details before the Assessing Officer.

6. The learned DR, on the other hand, submitted that despite issuance of several notices, the assessee failed to comply with the statutory notices issued by the Department and failed to submit return of income for the impugned A.Y. Hence, the appeal filed by the assessee be dismissed.

7. We have heard the rival arguments made by both the sides and perused the orders of the AO and the learned CIT (A). We find the AO in the instant case made addition of Rs. 5,75,45,560/- on the ground that the assessee failed to comply with the statutory notices issued by the Department. We find the assessee failed to furnish return of income along with necessary details before the lower authorities despite issuance of several notices. This speaks volume and careless attitude of the assessee for the statutory notices issued by the Department. It is the submission of the learned Counsel for the assessee, given an opportunity, the assessee would be in a position to file the return of income along with the details to substantiate his case. Considering the totality of the facts of the case and in the interest of justice, we deem it proper to restore the issue to the file of the Assessing Officer with a direction to grant one more opportunity to the assessee to substantiate his case. Looking to the careless attitude of the assessee to the statutory notices issued by the

Department for non-compliance, the assessee is hereby directed to pay a sum of Rs.3000/- to the State Legal Aid Services Department of the Hon'ble Telangana High Court. The assessee is directed to submit the payment slip to the Registry, ITAT Hyderabad Benches within a period of 2 months from the date of this order. We hold and direct accordingly.

10. In the result, appeal filed by the assessee is allowed for statistical purposes.

Order pronounced in the Open Court on 9th May, 2024.

Sd/-

Sd/-

(LALIET KUMAR) JUDICIAL MEMBER	(MANJUNATHA, G.) ACCOUNTANT MEMBER
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Hyderabad, dated 9th May, 2024

Vinodan/sps

Copy to:

S.No	Addresses
1	Sri Narender Gundla, Flat No.401, Satyadev Enclave, Classic Heights Apts, Karmanghat, Hyderabad 500079
2	Income Tax Officer Ward 9(1) IT Towers, AC Guards, Masab Tank Hyderabad 500004
3	Pr. CIT - Hyderabad
4	DR, ITAT Hyderabad Benches
5	Guard File

By Order