

IN THE INCOME TAX APPELLATE TRIBUNAL
Mumbai "SMC" Bench, Mumbai.

Before Shri Vikas Awasthy (JM) & Shri Amarjit Singh (AM)

I.T.A. No. 4384/Mum/2023 (A.Y. 2017-18)

Adivasi Unnati Cooperative Credit Society Limited Gyanmata Sadan Talasari, Taluka-Talasari District-Palghar Maharashtra-401 606. PAN : AADAA5785E (Appellant)	Vs.	Commissioner of Income Tax Circle Palghar Aayakar Bhavan Bidco Road Palghar-401 404. (Respondent)
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Assessee by	None
Department by	Shri Krishna Kumar, Sr.AR
Date of Hearing	06.05.2024
Date of Pronouncement	06.05.2024

ORDER

Per Vikas Awasthy (JM) :-

This appeal by the assessee is directed against the order of Commissioner of Income Tax (Appeals), National Faceless Appeal Centre, Delhi [in short 'the CIT(A)'] dated 29.9.2023, for assessment year 2017-18.

2. The notice of hearing of the appeal was sent to the assessee through RPAD. The notice was duly served as the Chartered Accountant, who has been authorised to represent the assessee has filed a reply to the defects pointed by the Registry in signing of Form No. 36. However, none has appeared to represent the assessee nor any letter seeking adjournment has been filed on behalf of the assessee. The appeal is against an ex-parte order passed by the First Appellate Authority.

3. Shri Krishna Kumar representing the Department submitted that the assessee is recalcitrant and has least respect for the process of law. The assessee has neither filed return of income for the impugned assessment year nor participated in assessment proceedings despite service of notice. Except for furnishing basic details in tapal, no further explanation/documents were been furnished by the assessee. Thereafter, the assessee after filing appeal before the CIT(A) has failed to respond to the notices issued by the CIT(A) on various dates. The learned DR vehemently prayed for upholding the order of CIT(A) and dismissing appeal of the assessee.

4. We have heard the submissions made by learned DR and have examined the records. The assessee is a cooperative credit society. As is apparent from assessment order, no return of income was filed by the assessee for A.Y. 2017-18. Further, the assessee has failed to furnish necessary details in assessment proceedings. Hence, the Assessing Officer was constrained to complete the assessment under section 144 of the Income Tax Act, 1961 (refer to 'Act'). The Assessing Officer made addition of Rs. 35,12,500/- under section 69A of the Act on account of cash deposits during demonetization period. The Assessing Officer further made addition of Rs. 6,61,250/- on account of unexplained receipts under section 68 of the Act.

5. Aggrieved by the aforesaid additions the assessee carried the issue in appeal before the CIT(A).

6. In First Appellate proceedings, the CIT(A) had issued notice to the assessee on four occasions. However, the assessee failed to respond to any of these notices. Taking into consideration entire facts and in the interest of justice, we deem it appropriate to restore this appeal back to the Assessing Officer for making a fresh assessment after affording reasonable opportunity

of making submissions to the assessee, in accordance with the law. The assessee is directed to furnish reply/necessary documents in response to the notice served by the Assessing Officer. In case, the assessee fails to respond to the notice, the Assessing Officer is at liberty to take an adverse view.

7. In the result, appeal of the assessee is allowed for statistical purposes.

Order pronounced in the open court on Monday the 6th Day of May, 2024.

Sd/-
(Amarjit Singh)
Accountant Member

Sd/-
(Vikas Awasthy)
Judicial Member

Mumbai.; Dated : 06/05/2024

Copy of the Order forwarded to :

1. The Appellant
2. The Respondent
3. The CIT(A)
4. CIT
5. DR, ITAT, Mumbai.
6. Guard File.

//True Copy//

BY ORDER,

(Assistant Registrar)
ITAT, Mumbai

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