



**IN THE INCOME TAX APPELLATE TRIBUNAL,
CUTTACK BENCH, CUTTACK**

**BEFORE SHRI RAJPAL YADAV, VICE PRESIDENT
AND
SHRI R.K.PANDA, VICE PRESIDENT**

ITA No.5/CTK/2024

Assessment Year : 2017-18

Subash Chandra Sethi, Juidaspur Pandiri, Kendrapara	Vs.	ITO, Kendrapara Kendrapara Ward,
PAN/GIR No.AVWPS 1855 N		
(Appellant)	..	(Respondent)

Assessee by : None

Revenue by : Shri S.C.Mohanty, Id Sr DR

Date of Hearing : 17/05/2024

Date of Pronouncement : 17/05/2024

ORDER

Per R.K.Panda, Vice President

This is an appeal filed by the assessee against the order of the Id CIT(A), NFAC, Delhi dated 7.11.2023 in Appeal No.CIT(A), Cuttack/10913/2019-20 relating to the assessment year 2017-18.

2. Although a number of grounds have been raised, however these all relate to the exparte order of the Id CIT(A) in confirming the various

additions made by the Assessing Officer and thereby assessing the total income at Rs.67,62,707/- as against the returned income of Rs.6,51,504/-.

3. None appeared on behalf of the assessee. Therefore, we proceed to decide the appeal on the basis of materials available on record and after hearing Id Sr DR.

4. Brief facts of the case are that the assessee is an individual and deals in sale of petrol, diesel & lubricant and running a petrol pump under the name & style of M/s. Radraya Filling Station at Pandiri, Kendrapara. He filed his return of income on 11.12.2017 declaring total income at Rs.6,51,500/-. The Assessing Officer completed the assessment u/s.143(3) of the Act on 29.12.2019 assessing the total income at Rs.67,62,707/-, inter alia, making the following additions:

1)	Suppression of purchase	;	Rs. 13,217/-
2)	Difference of gross profit	:	Rs.24,50,565/-
3)	Creditors liability u/s.69B	:	Rs.35,65,923/-
4)	Unexplained cash deposit (SBN)	:	<u>Rs. 81,500/-</u>

5. Since the assessee did not make any submission before the Id CIT(A), NFAC despite number of opportunities granted, the Id CIT(A), NFAC dismissed the appeal filed by the assessee.

6. Aggrieved with such order of Id CIT(A), NFAC, the assessee is in appeal before the Tribunal.

7. We have considered the submission of Id Sr DR and perused the material available on record. It is an admitted fact that despite number of opportunities granted by the Id CIT(A), NFAC, the assessee did not file any

submissions for which, Id CIT(A), NFAC sustained the various additions made by the Assessing officer. As per the grounds of appeal, it is the contention of the assessee that the Assessing officer has adopted gross profit @ 3.99% without giving any comparable cases. We find Id CIT(A), NFAC while deciding the issue has also not given any comparable case as to how and why such huge profit margin has to be applied. Therefore, considering the totality of the facts of the case and in the interest of justice, we deem it fit and proper to restore the issue back to the file of the Assessing officer with the direction to give one more opportunity to the assessee to substantiate his case and decide the issue as per fact and law. We hold and direct accordingly. The grounds raised by the assessee are accordingly allowed for statistical purposes.

8. In the result, appeal of the assessee stands partly allowed for statistical purposes..

Order dictated and pronounced in the open court at the time of hearing today i.e. on 17/05/2024.

Sd/-
(RAJPAL YADAV)
VICE PRESIDENT

sd/-
(R.K.PANDA)
VICE PRESIDENT

Cuttack; Dated 17/05/2024
B.K.Parida, SPS (OS)

Copy of the Order forwarded to :

1. The Appellant : Subash Chandra Sethi,
Juidaspur Pandiri, Kendrapara
2. The Respondent: ITO, Kendrapara Ward,
Kendrapara
3. The CIT(A)- NFAC, Delhi
4. Pr.CIT,
5. DR, ITAT,
6. Guard file.
//True Copy//

By order

Sr.Pvt.secretary
ITAT, Cuttack