

आयकर अपीलीय अधिकरण, 'डी' न्यायपीठ, चेन्नई
IN THE INCOME-TAX APPELLATE TRIBUNAL 'D' BENCH, CHENNAI
श्री एसएस विश्वनेत्र रवि, न्यायिक सदस्य एवं श्री जगदीश, लेखा सदस्य के समक्ष ।
Before Shri S.S. Viswanethra Ravi, Judicial Member &
Shri Jagadish, Accountant Member

आयकर अपील सं./I.T.A. No.812/Chny/2024
निर्धारण वर्ष/Assessment Year: 2018 -19

Ebrahimsha, Proprietor of M/s. Premier Garment Processing, No. 5, 2nd Cross Street, CIT Nagar, Thyagaraya Nagar H.O., Chennai 600 017. Vs. The Dy./Asstt. Commissioner of Income Tax, Non Corporate Circle 7(1), Chennai 600 034.

[PAN: AAFPI9651L]

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से / Appellant by : Shri R. Subramanian, CA
प्रत्यर्थी की ओर से/Respondent by : Shri A. Sasikumar, CIT
सुनवाई की तारीख/ Date of hearing : 22.05.2024
घोषणा की तारीख /Date of Pronouncement : 31.05.2024

आदेश /O R D E R

PER S.S. VISWANETHRA RAVI, JUDICIAL MEMBER:

This appeal by the assessee is directed against the exparte order dated 06.03.2024 passed by the Id. Commissioner of Income Tax, National Faceless Appeal Centre [NFAC], Delhi for the assessment year 2018-19 challenging confirmation of assessment order, wherein, the investments made in the property has been treated as unexplained investment under section 69 of the Income Tax Act, 1961 ["Act" in short] as well as taxing the addition at higher rate under section 115BBE of the Act.

2. At the outset, the Id. AR Shri R. Subramanian, CA drew our attention to para 4 of the impugned order and prayed to remand the matter back to the file of the Id. CIT(A). The Id. AR undertakes that the assessee will appear before the Id. CIT(A) without fail and file relevant documents in support of his case.

3. On perusal of the record, we note that the assessee, having aggrieved by the order of the Assessing Officer in making addition on account of unexplained investment to an extent of ₹.11,77,00,000/- under section 69 of the Act, the assessee preferred an appeal before the Id. CIT(A). But, however, no compliance were made before the first appellate authority, which made the Id. CIT(A) to confirm the order of the Assessing Officer. The Id. DR Shri A. Sasikumar, CIT did not dispute the same. Therefore, taking into consideration of the facts and circumstances of the case and as the issue involved therein under section 69 of the Act, which requires verification of relevant evidences in support of the claim of the assessee as discussed above, the Id. AR undertaken that the assessee is ready to prosecute the case before the Id. CIT(A), therefore, we deem it proper to remit the matter back to the file of the Id. CIT(A). The assessee shall appear before the Id. CIT(A) without fail and file evidences, if any in support of his claim.

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

Order pronounced on 31st May, 2024 at Chennai.

Sd/-
(JAGADISH)
ACCOUNTANT MEMBER

Sd/-
(S.S. VISWANETHRA RAVI)
JUDICIAL MEMBER

Chennai, Dated, 31.05.2024

Vm/-

आदेश की प्रतिलिपि अग्रेषित/Copy to:

1. अपीलार्थी/Appellant,
2. प्रत्यर्थी/ Respondent,
3. आयकर आयुक्त/CIT, Chennai/Madurai/Coimbatore/Salem
4. विभागीय प्रतिनिधि/DR &
5. गार्ड फाईल/GF.