

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

माननीय श्री मनोज कुमार अग्रवाल ,लेखा 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

आयकरअपील सं./ ITA No.422/Chny/2024
(निर्धारणवर्ष / Assessment Year: 2017-18)

Ganesan Radhakrishnan,
No.30-B, Sivaji Colony,
Edayarpalayam Post,
Edayarpalayam,
Coimbatore 641 025.

Vs. The Income Tax Officer,
Non Corporate Ward 2(3)
Coimbatore.

[PAN: AEMPR 5076H]

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से/ Appellant by

: None

प्रत्यर्थी की ओर से /Respondent by

: Shri. R.Mukundan, IRS, JCIT.

सुनवाई की तारीख/Date of Hearing

: 11.06.2024

घोषणा की तारीख /Date of Pronouncement

: 11.06.2024

आदेश / ORDER

PER MANU KUMAR GIRI (Judicial Member)

This appeal filed by the assessee is directed against the order of the Ld. Commissioner of Income Tax(Appeals)(NFAC) Delhi [CIT(A)] dated 19.12.2023 for assessment Year 2017-18.

2. Assessee is an individual doing money lending business, has deposited a cash of Rs. 12,000/- in Indian Bank and Rs.10,02,500/- in Axis Bank during

demonetization period. Assessee appeared before the Assessing Officer ('AO' in short) and filed 'Online response' but AO passed order under section 143(3) of the Income Tax Act, 1961 (In short 'Act') dated 27.12.2019 and made an addition of Rs.10,14,500/- u/s 68 of the Act treating the specified notes as income from other sources.

3. Further, the appellant filed the appeal against the order under section 143(3) of the Act dated 27.12.2019 before the Ld. CIT(A) wherein the assessee filed submission dated 07.04.2023 however, failed to appear before the first appeal authority pursuant to notice dated 12.12.2023 which caused Ld.CIT(A) to proceed ex parte on merits. Accordingly, the assessment was confirmed on merits against which assessee is in further appeal before us.

4. None appeared for the assessee. The Ld.DR pleaded for dismissal of the appeal on the ground that the assessee failed to appear before the Id. first appellate authority pursuant to final notice dated 12.12.2023.

5. We have gone through the entire record and submissions of Ld.DR. Though we appreciate the submissions of Ld.DR however, we find that Ld.CIT(A) has failed to follow the principles of natural justice in true spirit. Ld.CIT(A) could have given one more chance to appear before him to substantiate the cash deposit of Rs.12,000/- in Indian Bank and Rs.10,02,500/- in Axis Bank during demonetization period. Hence, keeping in mind the principle of natural justice, we deem it fit to grant another opportunity of hearing to the assessee. Accordingly, the impugned

order is set aside and the appeal is restored back to the file of Ld.CIT(A) for adjudication on merits after affording proper opportunity of hearing to the assessee. The assessee is directed to substantiate its case forthwith without any fail, failing which Ld. CIT(A) shall be at liberty to proceed with the disposal of the appeal on merits.

6. In the result, appeal filed by the assessee is allowed for statistical purpose.

Order pronounced in the open court on 11th day of June, 2024 at Chennai.

Sd/-

(मनोज कुमार अग्रवाल)

(MANOJ KUMAR AGGARWAL)

लेखा सदस्य / ACCOUNTANT MEMBER

Sd/-

(मनु कुमार गिरि)

(MANU KUMAR GIRI)

न्यायिक सदस्य / JUDICIAL MEMBER

चेन्नई Chennai:

दिनांक Dated : 11-06-2024

KV

आदेश की प्रतिलिपि अग्रेषित /Copy to :

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