

IN THE INCOME TAX APPELLATE TRIBUNAL

"F" BENCH, MUMBAI

BEFORE SHRI B R BASKARAN, ACCOUNTANT MEMBER AND

SHRI SANDEEP SINGH KARHAIL, JUDICIAL MEMBER

ITA No.1421/Mum./2024
(Assessment Year : 2017-18)

Vivek Vasant Tawde,
5/6 Vaishali APTS., MTNL Lane, Agar
Bazar Dadar (W)
Mumbai-400028.
PAN No. : AAGPT 0544 E

..... Appellant

v/s

DCIT Circle 6(1)(1),
Room No. 563B, 5th floor, Aayakar
Bahavan, Maharshi Karve Road,
Mumbai-400020.

..... Respondent

Assessee by : None

Revenue by : Shri Surendra Meena, DR

Date of Hearing – 10/06/2024

Date of Order – 18/06/2024

ORDER

PER SANDEEP SINGH KARHAIL, J.M.

The present appeal has been filed by the assessee challenging the impugned order dated 04/01/2024 passed under section 250 of the Income Tax Act, 1961 (*"the Act"*) by the learned Commissioner of Income Tax (Appeals), National Faceless Appeal Centre, Delhi [*"learned CIT(A)"*], for the assessment year 2017-18.

2. In the interest of justice, the slight delay of 23 days in filing the present appeal by the assessee is condoned.

3. In this appeal, the assessee has raised the following ground:-

"1. In the facts and circumstances of the case and especially in law, the AO & Ld CIT (A) has erred by disallowing deduction u/s 54F of Rs. 1,40,00,000/- being investment in residential house and further erred in disallowing the benefit of Sec. 54F itself based on incorrect facts without further verifying the same."

4. We have considered the submissions of both sides and perused the material available on record. The solitary issue raised by the assessee, in the present appeal, pertains to denial of exemption under section 54F of the Act. In the present case, at the outset, it is evident from the record that the learned CIT(A) has passed the order ex-parte due to the non-appearance of/on behalf of the assessee. Even in the present appeal before us, no one appeared on behalf of the assessee despite the service of notice. In view of the above, we are of the considered opinion that in the interest of justice, the assessee be granted one more opportunity to represent its case on merits before the learned CIT(A). Consequently, we deem it fit and proper to set aside the impugned order and restore the matter to the file of the learned CIT(A) for *de novo* adjudication of the appeal on merits after affording reasonable and adequate opportunity of hearing to the parties. The assessee is directed to appear before the learned CIT(A) on all the dates of hearing as may be fixed without any default. Accordingly, the sole ground raised by the assessee is allowed for statistical purposes.

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

Order pronounced in the open court on 18/06/2024

SD/-
B R BASKARAN
ACCOUNTANT MEMBER

SD/-
SANDEEP SINGH KARHAIL
JUDICIAL MEMBER

MUMBAI, DATED: 18/06/2024

Copy of the order forwarded to:

- (1) The Assessee;
- (2) The Revenue;
- (3) The CIT, Mumbai City concerned;
- (4) The DR, ITAT, Mumbai;
- (5) Guard file.

Rahul Sharma
Sr. Private Secretary

True Copy
By Order

Assistant Registrar
ITAT, Mumbai