

**IN THE INCOME TAX APPELLATE TRIBUNAL  
AHMEDABAD "SMC" BENCH, AHMEDABAD**

**BEFORE MS. SUCHITRA KAMBLE, JUDICIAL MEMBER**

**ITA No.703/Ahd/2024  
Assessment Year: 2017-18**

Amit Dhirajlal Doshi, A-1204, Pashwa Luxuria, Iskon Ambli Road, B/h. Jain Shwetamber Derasar, Parshwa Antres, Nr. Ashok Vatika, Ambli, Ahmeabad-380058 <b>[PAN - AACPD 7751 P]</b>	Vs.	The ACIT, Circle 1(1)(2), Vejalpur, Ahmedabad
<b>(Appellant)</b>		<b>(Respondent)</b>
Assessee by	Shri M.K. Patel, AR	
Revenue by	Shri Purushottam Kumar, Sr. DR	
Date of Hearing	13.06.2024	
Date of Pronouncement	19.06.2024	

**ORDER**

**PER SUCHITRA KAMBLE, JUDICIAL MEMBER:**

This appeal filed by the assessee is directed against the order of the Commissioner of Income-tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi [hereinafter referred to as "CIT(A)" for short] dated 29.02.2024 passed under Section 250 of the Income Tax Act, 1961 [hereinafter referred to as "the Act" for short] for the Assessment Year (AY) 2017-18

2. The assessee has raised the following grounds of appeal :-

*"(1) That on facts, and in law, the learned National Faceless Appeal Centre (NFAC) has grievously erred in not granting sufficient and reasonable opportunity to the appellant and in deciding the appeal ex-parte.*

*(2) That on facts, in law, and on evidence on record, the learned National Faceless Appeal Centre (NFAC) has grievously erred in confirming the disallowance made u/s 10 of the Act of Rs. 1,11,250/-.*

*(3) That on facts, in law, and on evidence on record, the learned National Faceless Appeal Centre (NFAC) has grievously erred in confirming the addition made to salary income of Rs. 4,01,665/-.*

*(4) That on facts, in law, and on evidence on record, the learned National Faceless Appeal Centre (NFAC) has grievously erred confirming the disallowance of interest expenses of Rs. 12,79,840/- made u/s 57 of the Act.*

*(5) The appellant craves leave to add, alter, and amend any ground of appeal."*

3. The assessee filed return of income on 31.03.2018 declaring total income at Rs.8,18,470/-. The case was selected for compulsory scrutiny and notice u/s 143(2) of the Act was issued on 19.09.2018. Notice-cum-questionnaire u/s 142(1) of the Act was issued and served upon the assessee, against which the assessee filed submissions. The Assessing Officer observed that the assessee has claimed deduction u/s 10 of the Act related to the telephone reimbursement amounting to Rs.35,000/- and Uniform Allowance amounting to Rs.76,250/-, totalling to Rs.1,11,250/-.

4. The Assessing Officer further observed that the assessee received salary from his employer Doshion Water Solution Pvt Ltd of Rs.12,21,665/-, but the assessee offered the salary income to the extent of Rs.8,20,000/- only. Thus, the Assessing Officer made addition of Rs.4,01,665/-. The Assessing Officer further observed that the assessee earned income under the head "other sources" amounting to Rs.12,79,840/- being interest income and claimed deduction u/s 57 of the Act. After verifying the same, the Assessing Officer disallowed Rs.12,79,840/- u/s 57 of the Act.

5. Being aggrieved by the Assessment Order, the assessee filed appeal before the CIT(A). The CIT(A) dismissed the appeal of the assessee.

6. The Ld. AR submitted that the assessee has not received any notices issued for the hearing before the Ld. CIT(A), as mentioned by the Ld. CIT(A) in his order vide paragraph No. 3. The Ld. AR submitted that the Ld. CIT(A) passed *ex-parte* order and, therefore, the matter may be remanded back to the file of the Ld. CIT(A) for proper adjudication of the issues on verification.

7. The Ld. DR relied upon the assessment order and the order of the CIT(A).
8. Heard both the parties and perused all the relevant material available on record. It is pertinent to note that the CIT(A) passed an *ex-parte* order without discussing the merit of the case, and the service of the notice was also not properly done by the Ld. CIT(A). Thus, the representation of the assessee was not there with the Ld. CIT(A). Therefore, in the interest of justice, the matter is remanded back to the file of the Ld. CIT(A) for proper adjudication of the issues contested therein on merit as per Income-tax Statute. Needless to say, the assessee be given opportunity of hearing by following the principles of natural justice.
9. In the result, appeal of the assessee is partly allowed for statistical purposes.

Order pronounced in the open Court on this 19<sup>th</sup> June, 2024.

*Sd/-*

**(SUCHITRA KAMBLE)**  
Judicial Member

**Ahmedabad, the 19<sup>th</sup> day of June, 2024**

*BTK\**

*Copies to:*

- (1) *The appellant*
- (2) *The respondent*
- (3) *CIT*
- (4) *CIT(A)*
- (5) *Departmental Representative*
- (6) *Guard File*

*By order*

*Assistant Registrar*  
*Income Tax Appellate Tribunal*  
*Ahmedabad benches, Ahmedabad*