

IN THE INCOME TAX APPELLATE TRIBUNAL
PUNE "A" BENCH : PUNE

BEFORE SHRI RAMA KANTA PANDA, VICE PRESIDENT
AND
SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER

I.T.A.No.510/PUN./2024
Assessment Year 2017-2018

Gurukrupa Developers, Flat No.103, Gurukrupa Memories, Kharadi, Pune – 411 014 Maharashtra. PAN AALFG2063Q	vs.	The Assistant Commissioner of Income Tax, Circle-7, Room No.316, 3 rd Floor, Aaykar Sadan, Bodhi Towers, Salisbury Park, Gultekdi, Pune – 411 037.Maharashtra.
(Appellant)		(Respondent)

For Assessee :	Shri N.C. Lahoti
For Revenue :	Shri Ramnath P Murkunde

Date of Hearing :	06.06.2024
Date of Pronouncement :	06.06.2024

ORDER

PER SATBEER SINGH GODARA, J.M. :

This assessee's appeal, for assessment year 2017-2018, arises against the National Faceless Appeal Centre [in short the "NFAC"] Delhi's Din and Order No. ITBA/NFAC/S/250/2023-24/1059781974(1), dated 16.01.2024, in proceedings u/s.144 r.w.s.142(1) of the Income Tax Act, 1961 (in short "the Act").

Heard both the parties at length. Case file perused.

2. The assessee pleads the following substantive grounds in the instant appeal :

1. *“On the fact and circumstances of the case and to prevail natural justice appellant be given one more opportunity to represent his case and appellant assures his full cooperation to the honorable authority.*
2. *Appellant has already paid the income tax on the reduced income in revised return in subsequent year due to which revenue is not in loss.*
3. *The appellant prays that the addition of income of Rs.58,53,269 either deleted if addition is held up then subsequent return of income be rectified under section 154 of the Income Tax Act 1961.*
4. *Appellant made repayment of unsecured loan by appropriating towards the sale proceeds of Flats in the F.Y-2017-18 i.e. A.Y.2018-19. The addition of Rs.10,00,000/- (Ten Lakhs) be deleted.*
5. *Appellant has paid the amounts to Sundry Creditors in subsequent years therefore appellant prays that addition of Rs.89,18,801/- be deleted.*
6. *Appellant reserves right to add, alter, amend or delete the grounds of appeal before or during the course of final hearing.”*

3. We noticed at the outset that the learned NFAC's impugned lower appellate order, affirming Assessing Officer's action disallowing/adding the unsecured loans as well as sundry creditors (supra), has been passed ex-parte on account

of alleged non-compliance as tabulated in para-6.1 thereof. Learned DR could hardly dispute the clinching fact that the learned NFAC herein has not ensured effective compliance of sec.250(6) of the Act requiring it to give points for determination followed by a detailed adjudication thereof. Faced with the situation, we deem it appropriate in the larger interest of justice to restore the assessee's instant appeal back to the CIT(A)/NFAC for its afresh adjudication, preferably within three effective opportunities of hearing, subject to the rider that it shall be the taxpayer's onus and responsibility only to file and prove all the relevant facts in consequential proceedings. Ordered accordingly.

4. This assessee's appeal is allowed for statistical purposes in above terms.

Order pronounced in the open Court on 06.06.2024

Sd/-
[R.K. PANDA]
ACCOUNTANT MEMBER
Pune, Dated 06th June, 2024

Sd/-
[SATBEER SINGH GODARA]
JUDICIAL MEMBER

VBP/-
Copy to

1.	The applicant
2.	The respondent
3.	The Pr. CIT, Pune concerned
4.	D.R. ITAT, "A" Bench, Pune.
5.	Guard File.

//By Order//

//True Copy //

Sr. Private Secretary, ITAT, Pune Benches, Pune.