

**आयकर अपीलीय अधिकरण "बी" न्यायपीठ पुणे में ।**  
**IN THE INCOME TAX APPELLATE TRIBUNAL "B" BENCH, PUNE**

**BEFORE SHRI R.K. PANDA, VICE PRESIDENT**  
**AND**  
**MS. ASTHA CHANDRA, JUDICIAL MEMBER**

**आयकर अपील सं. / ITA No.346/PUN/2024**  
**निर्धारण वर्ष / Assessment Year : 2017-18**

Vasantrao Sanas Education Society, S. No. 35 Vadgaon Khurd, Sinhagad Road Haveli, Pune - 411041  PAN : AAATV8346G	<b>Vs.</b>	ITO, Exemption, Ward-1(1), Pune
<b>अपीलार्थी / Appellant</b>		<b>प्रत्यर्थी / Respondent</b>

Assessee by :	Smt. Deepa Khare
Department by :	Shri Sourabh Nayak
Date of hearing :	08-05-2024
Date of Pronouncement :	08-05-2024

**आदेश / ORDER**

**PER ASTHA CHANDRA, JM :**

The appeal filed by the assessee is directed against the order dated 21.08.2023 of the Ld. Commissioner of Income Tax (Appeals)/NFAC, Delhi ["CIT(A)"] pertaining to Assessment Year ("AY") 2017-18.

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

- “1. *The Ld CIT(A) erred in law and on facts in dismissing the appeal ex-parte when there was sufficient cause for non-compliance.*
2. *The Ld CIT(A) erred in law and on facts in confirming an addition of Rs. 5,00,000/- as unexplained money u/s 69A without adjudicating on merits.*
3. *The Ld CIT(A) erred in law and on facts in confirming an addition of Rs. 14,00,000/- as unexplained money u/s 69A without adjudicating on merits.*
4. *The Ld CIT(A) erred in law and on facts in confirming an addition of Rs.35,29,831/- as income from other source without adjudicating on merits.*

5. *The Id CIT(A) erred in law and on facts in confirming an addition of Rs.2,04,774/- as income from other source without adjudicating on merits.*
6. *The Ld CIT(A) erred in confirming the action of Ld AO in taxing income at maximum marginal rates.*
7. *The appellant craves leave to add, alter, modify, or substitute any ground of appeal.”*

3. The appeal is late by 123 days. The assessee has moved an application for condonation of delay. Sworn affidavit has been filed along with the application stating therein the reasons for the delay in para 6 thereof as under :-

“6. *Tax matters of the Trust were looked after by Tax Consultant Shri Ramesh Shirsat. His brother in law Late Shri Prashant Ravindra Borse expired on 23.07.2023 and other Brother in law Late Shri Gaurishankar Chunilal Borse expired on 27.08.2023. Due to sad demise of the close family person of the Tax Consultant, he was not attending his regular professional duties. The appeal of the Trust could not be filed in prescribed time.”*

4. After hearing both the sides, we are of the view that the delay is attributable to the sufficient cause. We, therefore, condone the delay and proceed to decide the appeal.

5. Briefly stated the facts are that the assessee is a charitable trust carrying activities of school, sports and other activities registered on 19.12.2000. As per the information on Actionable Information Monitoring System (AIMS) of the Department, the assessee had made cash deposits of specified bank notes worth Rs.14,00,000/- in its bank account in Wadgaon Dhayari branch of Jijamata Mahila Sahakari Bank during the demonetization period (09.11.2016 to 30.12.2016). Accordingly, the case of the assessee was selected in actionable cases under Operation Clean Money and notice u/s 142(1) of the Income Tax Act, 1961 (**the “Act”**) dated 13.03.2018 was issued requiring the assessee to furnish return for AY 2017-18. Initially there was non-compliance. However, the Ld. AR of the assessee appeared before the Ld. AO on 24.09.2019 and filed a letter therewith submitting copies of pay-in-slips of cash deposited in its bank account during the demonetization period. It was submitted that the cash deposited in its Account No. 4148 in Jijamata Mahila Sahakari Bank and Account No. 1055005001803 in Karad Urban Co-op. Bank Ltd. was made by the students of the school towards school fees. As regards the cash of

Rs.14,00,000/- it was contended that the cash was deposited out of cash withdrawals from the bank and corpus fund received from trustee of the trust. On 26.09.2019 the Ld. AR of the assessee furnished salary (paid) sheet for FYs 2015-16 and 2016-17, fixed deposits details, Form 26AS etc. The time was sought for submission of further details. Meanwhile, the Ld. Assessing Officer (“AO”) obtained information from the banks and after giving opportunity to the assessee to explain the nature and source of money credited in its bank accounts, the Ld. AO not being satisfied with the explanation of the assessee trust computed the total income of the assessee at Rs.56,34,610/- including therein additions of Rs.5,00,000/- and Rs.14,00,000/- as unexplained money u/s 69A r.w.s. 115BBE of the Act; addition of Rs.35,29,831/- and Rs.2,04,774/- as income from other sources and completed the assessment on 18.11.2019 u/s 144 of the Act.

6. Aggrieved, the assessee carried the matter in appeal before the Ld. CIT(A) challenging the additions made by the Ld. AO as aforesaid. The Ld. CIT(A) issued notices of hearing twice, one dated 13.01.2021 and another dated 14.09.2022. There was no compliance. A system generated communication dated 04.11.2022 was notified to the assessee but there no response. The Ld. CIT(A) therefore concluded that the assessee is not interested in submitting requisite details to contest the appeal and decided the grounds against the assessee.

7. Dissatisfied, the assessee is in appeal before the Tribunal.

8. The Ld. AR submitted that non-compliance before the Ld. CIT(A) was due to non-receipt of notices by the assessee. There was no intentional non-appearance before the CIT(A). The Ld. AR urged that the matter may be sent back to the Ld. CIT(A) for adjudication afresh on merits.

9. The Ld. DR had no objection thereto.

10. We have heard the Ld. Representatives of the parties and perused the records. On the facts and in the circumstances of the case, we are of the view that the order of Ld. CIT(A) deserves to be set aside for fresh adjudication. We, therefore, restore the matter back to the file of Ld. CIT(A) with the direction to him to pass a speaking order on merits of the case

after allowing reasonable opportunity of being heard to the parties. We order accordingly.

11. In the result, the appeal of assessee is allowed for statistical purpose.

**Order pronounced in the open court on 08<sup>th</sup> May, 2024.**

Sd/-  
(R.K. Panda)  
**VICE PRESIDENT**

Sd/-  
(Astha Chandra)  
**JUDICIAL MEMBER**

पुणे / Pune; दिनांक / Dated : 08<sup>th</sup> May, 2024.  
रवि

**आदेश की प्रतिलिपि अग्रेषित / Copy of the Order forwarded to :**

1. अपीलार्थी / The Appellant.
2. प्रत्यर्थी / The Respondent.
3. The Pr. CIT concerned.
4. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, "बी" बेंच,  
पुणे / DR, ITAT, "B" Bench, Pune.
5. गार्ड फ़ाइल / Guard File.

//सत्यापित प्रति// True Copy//

आदेशानुसार / BY ORDER,

वरिष्ठ निजी सचिव / Sr. Private Secretary  
आयकर अपीलीय अधिकरण, पुणे / ITAT, Pune