

**IN THE INCOME TAX APPELLATE TRIBUNAL
“A” BENCH: BANGALORE**

**BEFORE SHRI CHANDRA POOJARI, ACCOUNTANT MEMBER
AND
SHRI PRAKASH CHAND YADAV, JUDICIAL MEMBER**

ITA No.916/Bang/2024
Assessment Year: 2017-18

Mohana Shantmallappa Biradar Chamundeswari Wines Main Road Kamalapur Kalaburagi 585223 Karnataka PAN NO : AJDPB0569K	Vs.	ITO Ward-1 & TPS Gulbarga
APPELLANT		RESPONDENT

Appellant by	:	Smt. Lakshmi S., A.R.
Respondent by	:	Ms. Neha Sahay, D.R.

Date of Hearing	:	25.06.2024
Date of Pronouncement	:	25.06.2024

O R D E R

PER CHANDRA POOJARI, ACCOUNTANT MEMBER:

This appeal by assessee is against the order of NFAC for the assessment year 2017-18 dated 9.2.2024 passed u/s 250 of the Income Tax Act,1961 (in short “The Act”).

2. In this case, the ld. AO vide assessment order dated 19.12.2019 made following additions to the returned income.

1. Addition u/s 68 of the Act - Rs.48,80,000/-

Disallowance of expenditure at 20%

Interest paid - Rs.1,68,019/-

Freight charges- Rs. 85,597/-

Misc. expenses- Rs. 39,317/-

Shop rent - Rs. 17,400/-

Depreciation

Disallowed (full)- Rs. 16,709/-

Total addition: - Rs.3,27,042/-

- Rs.53,07,042/-

2.1 Against this assessee carried appeal before NFAC. NFAC given a notice to the assessee on 8.2.2021, 11.10.2023, 6.11.2023 and 7.2.2024 calling for submissions to support the claim of assessee. However, there was no reply from the assessee. Keeping in view of the above facts, the NFAC dismissed the appeal for non-prosecution. Against this assessee is once again in appeal before us challenging the additions made by ld. AO as well as for not giving proper opportunity of hearing to the assessee by NFAC.

3. We have heard the rival submissions and perused the materials available on record. The main grievance of the assessee in this appeal is that proper opportunity of hearing was not given to the assessee, which is in violation of principles of natural justice. It was submitted by the ld. A.R. that assessee given the e-mail ID as follows:

snironi83@gmail.com

3.1 Since assessee was not well versed in the ITBA portal, she was not able to take note of the above notice sent by NFAC through above e-mail ID. Hence, the ld. A.R. pleaded that one more opportunity may be given to the assessee to present the assessee's case.

4. The ld. D.R. strongly opposed for giving further opportunity to the assessee and submitted that the order of the lower authorities be confirmed.

5. We have heard the rival submissions and perused the materials available on record. In our opinion, it is appropriate to give one more opportunity to the assessee to present his case before NFAC as the assessee was not well versed in the ITBA portal and failed to take note of notice sent by NFAC through e-mail ID mentioned above. Being so, in the interest of justice, we remit the entire issue in dispute to the file of NFAC to decide the same after giving an opportunity of hearing to the assessee.

6. In the result, appeal of the assessee is partly allowed for statistical purposes.

Order pronounced in the open court on 25th June, 2024

Sd/-
(Prakash Chand Yadav)
Judicial Member

Sd/-
(Chandra Poojari)
Accountant Member

Bangalore,
Dated 25th June, 2024.
VG/SPS

Copy to:

1. The Applicant
2. The Respondent
3. The CIT
4. The DR, ITAT, Bangalore.
5. Guard file

By order

Asst. Registrar,
ITAT, Bangalore.