

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH “B”: NEW DELHI**

**BEFORE SHRI G.S. PANNU, VICE PRESIDENT
AND
SHRI ANUBHAV SHARMA, JUDICIAL MEMBER**

**ITA No. 373/DEL/2024
[Assessment Year: 2014-15]**

Distt. Cooperative Bank Ltd., Civil Lines-2, Bijnor.	<u>Vs</u>	National Faceless Assessment Centre, Delhi.
PAN: AABFD 2205 R		
APPELLANT		RESPONDENT
Assessee represented by	Shri P.S. Kashyap, FCA	
Department represented by	Shri B.K. Singh, Sr. DR	
Date of hearing	14.05.2024	
Date of pronouncement	28.06.2024	

ORDER

PER ANUBHAV SHARMA, JM:

Heard and perused the record.

2. Learned AR has pointed out that the impugned order of National Faceless Appeal Centre (NFAC), as first appellate authority, is based on erroneous assumption of the fact that the issue stands settled under Vivad Se Vishwas Scheme, 2020.

3. It comes up that assessee’s return was examined and assessment completed u/s 143(3) of the Income-tax Act, 1961 (hereinafter referred to as the “Act”), vide order dated 28.12.2016 against which assessee had approached in appeal before

CIT(Appeals), but then settled the same in Vivad Se Vishwas Scheme, 2020. Subsequently, Department issued notice u/s 148 of the Act on 31.03.2021 and on reassessment of the alleged escaped income assessment order u/s 147 was passed on 29.03.2022 against which assessee had approached CIT(Appeals), wherein the impugned order is passed.

4. Learned DR could not dispute the aforesaid facts.

5. In the light of aforesaid, we are of the considered view there is apparent in the disposal of appeal at the end of NFAC. Thus issues on merits are required to be restored to the file of learned CIT(Appeals) to pass a fresh order, after giving opportunity of hearing to the assessee.

6. Appeal is allowed for statistical purposes.

Order pronounced in open court on 28.06.2024.

Sd/-
(G.S. PANNU)
VICE PRESIDENT

Sd/-
(ANUBHAV SHARMA)
JUDICIAL MEMBER

MP

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

ASSISTANT REGISTRAR
ITAT, NEW DELHI