

आयकर अपीलिय अधिकरण, 'बी' न्यायपीठ, चेन्नई
IN THE INCOME TAX APPELLATE TRIBUNAL
'B' BENCH, CHENNAI

श्री मनु कुमार गिरि, न्यायिक सदस्य एवं श्री एस. आर. रघुनाथा, लेखा सदस्य के समक्ष
BEFORE SHRI MANU KUMAR GIRI, HON'BLE JUDICIAL MEMBE AND
SHRI S. R. RAGHUNATHA, HON'BLE ACCOUNTANT MEMBER

आयकरअपीलसं./ITA No.: **967/Chny/2024**

निर्धारणवर्ष / Assessment Year: 2017-18

The Thiruchirapalli Consumer Deputy Commissioner of Income
Wholesale Stores Ltd., v. Tax,
1 Dec, EVR Road, Circle -1(1),
Puthur, Trichy – 620 017. Trichy.

[PAN:AACFT-8019-J]

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थीकीओरसे/Appellant by : Shri. M. Karunantham, Advocate

प्रत्यर्थीकीओरसे/Respondent by : Shri. D. HemaBhupal, JCIT

सुनवाईकीतारीख/Date of Hearing : 24.06.2024

घोषणाकीतारीख/Date of Pronouncement : 28.06.2024

आदेश / O R D E R

PER S. R. RAGHUNATHA, ACCOUNTANT MEMBER:

This appeal by the assessee is filed against the order of the Commissioner of Income Tax (Appeals), Bengaluru, for the assessment year 2017-18, vide order dated 08.03.2024.

2. The brief facts are that the assessee is a consumer co-operative society and filed its return of income for the assessment year 2017-18 on 07.11.2017 admitting a loss of Rs.33,10,746/-. The case was selected for complete scrutiny under CASS and notice u/s. 143(2) of the Act was served on 25.09.2018. During the assessment proceedings, the Assessing Officer noticed that the assessee has made cash deposits of SBN to the tune of Rs.4,37,44,730/- during demonetization

period. Subsequently, the Assessing Officer called for relevant details for which the assessee has not furnished books of accounts and documents in support of claim. The Assessing Officer further noted that no statutory audit was conducted which is mandatory in cooperative society and in absence of plausible evidence the Assessing Officer treated the cash deposits of Rs.4,37,44,730/- as unexplained money u/s. 68 of the Act and passed an order U/s.143(3) dated 31.12.2019. Aggrieved by the order of the AO, assessee preferred an appeal before the Id.CIT(A).

3. The Id.CIT(A) had issued notices granting opportunities to the assessee to appear for hearing. However, the assessee had not responded. The Id.CIT(A) has dismissed the appeal by passing an order dated 08.03.2024 by confirming the addition U/s.68 of the Act, made by the Assessing officer. Aggrieved by the order of the Id.CIT(A), the assessee is before us.

4. The Id.AR stated that the Id.CIT(A) has erred in dismissing the assessee's appeal exparte, is erroneous in law and prayed for remanding the matter back to the Id.CIT(A) .

5. The Id.DR did not raise any objections for the same.

6. We have heard both the parties and gone through the order of the Id.CIT(A). It is noted that the Id.CIT(A) has passed the impugned order exparte. To meet the ends of justice, we remit back the appeal to the file of the Id. CIT(A) for denovo adjudication. we direct the Id. CIT(A) to consider the written submissions filed by the assessee and decide the issue afresh

in accordance with law subject to cost of Rs.5000/- which shall be deposited by the assessee within 30 days from the date of receipt of this order to 'Tamil Nadu State Legal Services Authority' at Hon'ble High Court of Madras. The proof of the same will be furnished by the Assessee before Ld. CIT(A), whose shall proceed for de novo assessment. Accordingly, the impugned order is set aside and the appeal is restored back to the file of Ld.CIT(A) for fresh adjudication.

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

Order pronounced in the open court on 28th June, 2024 at Chennai.

Sd/-
(मनु कुमार गिरि)
(MANU KUMAR GIRI)
न्यायिकसदस्य/**Judicial Member**

Sd/-
(एस.आर.रघुनाथा)
(S. R. RAGHUNATHA)
लेखासदस्य/**Accountant Member**

चेन्नई/Chennai,

दिनांक/Dated, the 28th June, 2024

JPV

आदेशकीप्रतिलिपिअग्रेषित/Copy to:

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकर आयुक्त/CIT- Madurai
4. विभागीय प्रतिनिधि/DR
5. गार्ड फाईल/GF

