

आयकर अपीलीय अधिकरण, हैदराबाद पीठ
IN THE INCOME TAX APPELLATE TRIBUNAL
Hyderabad 'SMC' Bench, Hyderabad

Before
Shri Manjunatha, G. Accountant Member

आ.अपी.सं / **ITA No.542/Hyd/2024**
(निर्धारण वर्ष / Assessment Year: 2017-18)

Shri Krishna Rao Paidipalli KHAMMAM PAN:ACFPP9877K (Appellant)	Vs.	Income Tax Officer Ward 2 KHAMMAM (Respondent)
निर्धारित द्वारा / Assessee by:	N O N E	
राजस्व द्वारा / Revenue by:	Shri Gudimella V P Pavan Kumar, DR	
सुनवाई की तारीख / Date of hearing:	16/07/2024	
घोषणा की तारीख / Pronouncement:	16/07/2024	

आदेश/ORDER

This appeal filed by the assessee is directed against the order dated 21.03.2024 of the learned CIT (A)-NFAC Delhi, relating to A.Y.2017-18.

2. The brief facts of the case are that the assessee is an individual filed his return of income for the A.Y 2017-18 on 21.09.2017 declaring total income of Rs.5,01,600/-. The case was selected for scrutiny to verify large value of cash deposit during demonetization period. The Assessing Officer noticed that the

assessee has made cash deposit of Rs.17,20,000/- into his bank account during demonetization period. The assessee was called upon to explain the source for cash deposits. Since the assessee neither appeared before the Assessing Officer nor filed any details, therefore, the Assessing Officer passed best judgment assessment u/s 144 of the I.T. Act, 1961 and made addition of Rs.17,20,000/- u/s 69A r.w.s. 115BBE of the I.T. Act, 1961.

3. The assessee carried the matter in appeal before the first appellate authority but neither appeared nor filed any details. Therefore, the learned CIT (A) passed ex-parte appellate order and sustained the addition made by the Assessing Officer u/s 69A r.w.s. 115BBE of the I.T. Act, 1961.

4. None appeared on behalf of the assessee.

5. I have heard the learned DR and perused the relevant assessment order and the appellate order passed by the learned CIT (A). Admittedly, the Assessing Officer passed best judgment assessment u/s 144 of the I.T. Act for non-appearance of the assessee. Further, the appellant neither appeared before the learned CIT (A) nor filed any details which is evident from the ex-parte order passed by the learned CIT (A). No doubt, the appellant is not serious in prosecuting his case before the authorities. Therefore, on this count itself the appeal filed by the assessee should be dismissed. But the fact remains that, no tax liability

can be fastened on any assessee without hearing from the assessee. The learned Counsel for the assessee claims that the appellant has filed appeal before the Tribunal but the notice sent by the Tribunal, fixing the case for hearing was returned unserved. The postal authorities returned the notice with a remark "addressee left India". From the remark given by the postal authorities, it appears that the assessee is not residing in India. Whether the appellant was available in India during the time, the assessment order and appellate order was passed is not known. Therefore, to give another opportunity of hearing to the assessee, we deem it appropriate to set aside the issue to the file of the Assessing Officer. Thus, we set aside the order passed by the learned CIT (A) and restore the matter to the file of the Assessing Officer and direct the Assessing Officer to issue notice to the assessee to his present address and decide the issue afresh in accordance with law.

6. In the result, appeal filed by the assessee is allowed for statistical purposes.

Order pronounced in the Open Court on 16th July, 2024.

Sd/-

**(MANJUNATHA, G.)
ACCOUNTANT MEMBER**

Hyderabad, dated 16th July, 2024
Vinodan/sps

Copy to:

S.No	Addresses
1	Shri Krishna Rao Paidipally, Flat No.404, SS Towers, VDOS Colony, Khammam 507002
2	Income Tax Officer, Ward-2 Income Tax Office Rajeevgunj, Khammam
3	Pr. CIT - Hyderabad
4	DR, ITAT Hyderabad Benches
5	Guard File

By Order