

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

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

ITA No.1183/Bang/2024
Assessment Year: 2017-18

Holadagadde Devaraj Vinay Raj Vinayaka & Jagara Valley Estate Mallandur Post Mallandur 577 132 Chikmagalur District  <b>PAN NO : AHJPV9740Q</b>	<b>Vs.</b>	ITO Ward-2 Chikmagalur
<b>APPELLANT</b>		<b>RESPONDENT</b>

<b>Appellant by</b>	:	Sri A. Ravish Rao, A.R.
<b>Respondent by</b>	:	Sri Subramanian S., D.R.

<b>Date of Hearing</b>	:	22.07.2024
<b>Date of Pronouncement</b>	:	22.07.2024

**O R D E R**

**PER CHANDRA POOJARI, ACCOUNTANT MEMBER:**

This appeal by assessee is directed against order of NFAC for the assessment year 2017-18 dated 16.4.2024 passed u/s 250 of the Income Tax Act, 1961 (in short “The Act”), wherein the assessee raised following grounds of appeal:

- 1) *The Order passed by Learned Assessing Officer & confirmed by the First Appellate Authority is bad in law.*
- 2) *The learned Assessing Officer has erred in treating the cash deposits amounting to Rs.27,00,000/- out of sale proceeds of agricultural produce, as unexplained income under section 68, of the Income Tax Act, 1961*
- 3) *The Learned Assessing Officer has erred in disallowing the business expenditure, being interest on loan amounting to Rs.3,43,829/-*

4) *The Learned Assessing Officer has erred in not allowing the carry forward losses of the current year amounting to Rs.5,71,520/-.*

5) *The Appellant craves permission to add, alter, amend, and to modify, substitute, delete and to rescind all or any of the Grounds of Appeal, on or before the Hearing, if necessary, so arises.*

**2.** Facts of the case are that the assessee is an agriculturist. The assessee has filed the Income Tax Returns for the A.Y.2017-18 on 28.01.2018. During the said year, the assessee has stated to have deposited the proceeds from cash sales and past year savings to the Bank amounting to Rs.27,00,000/-. The Learned Assessing Officer passed the order u/s 143(3) of the Act on 24.12.2019 making addition under section 69A of the Act. Therefore, the Assessee preferred the appeal before the Id. CIT(A).

**2.1** In the instant case, notices of hearing have been issued number of times but nobody attended/replied. The details of the same are as under:-

Date of Notice	Date of hearing	Remarks
29.01.2021	25.02.2021	No reply received.
07.11.2022	Enabled the appellant to respond any time w.r.t. grounds of appeal	Issued Emblems of communication window
07.02.2024	15.02.2024	No reply received.

**2.2** However, there was no proper submission made by assessee before NFAC. Hence, NFAC confirmed the order of Id. AO. Thus, assessee is in appeal before us.

**2.3** Before us, Id. A.R. submitted that assessee was not well versed in ITBA portal and as such assessee has not filed submissions before

NFAC and prayed that one more opportunity to file necessary details before NFAC may be given.

**3.** After hearing both the parties, we accede to the request of the ld. A.R. and remit the entire issue to the file of NFAC to decide the same after giving an opportunity of hearing to the assessee.

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

Order pronounced in the open court on 22<sup>nd</sup> July, 2024

**Sd/-**  
**(Prakash Chand Yadav)**  
**Judicial Member**

**Sd/-**  
**(Chandra Poojari)**  
**Accountant Member**

Bangalore,  
Dated 22<sup>nd</sup> July, 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.**