

IN THE INCOME TAX APPELLATE TRIBUNAL
PUNE BENCH "B", PUNE

BEFORE SHRI INTURI RAMA RAO, ACCOUNTANT MEMBER
AND
SHRI VINAY BHAMORE, JUDICIAL MEMBER

आयकर अपील सं. / ITA No.708/PUN/2024

निर्धारण वर्ष / Assessment Year : 2017-18

Vikrant Rajendra Bidkar, B-31, Sambhajnagar, Dhanakwadi, Pune 411043 Maharashtra PAN : BBUPB9865Q	Vs.	ITO, Ward-5(5), Pune
Appellant		Respondent

Assessee by : None
Revenue by : Shri Sourabh Nayak

Date of hearing : 15.07.2024
Date of pronouncement : 23.07.2024

आदेश / ORDER

PER INTURI RAMA RAO, AM:

This is an appeal filed by the assessee directed against the order of the National Faceless Appeal Centre, Delhi ['NFAC'] dated 09.02.2024 for the assessment year 2017-18.

2. Briefly, the facts of the case are that the assessee is an individual, no regular return of income under the provisions of section 139(1) was filed for the A.Y. 2017-18. On the basis of information received that the appellant made a cash deposit of Rs.93,37,684/- during demonetization period with the Pune Cantonment Sahakari Bank, Dhanakwadi Branch, the Assessing Officer (AO) formed an opinion that income escaped assessment to tax. Accordingly notice u/s.142(1) was issued to the appellant on 29.11.2017. However, the appellant had

failed to comply with the notice issued u/s.142(1) of the Act. In the circumstances, the AO had proceeded with the framing of the assessment order u/s.144 after making addition of Rs.93,37,684/- as unexplained money u/s.69A of the Act. The AO also added interest income of Rs.1,863/- as income from other sources.

3. Being aggrieved by the above addition, an appeal was filed before the CIT(A)/NFAC who vide impugned order dismissed the appeal *in limine* by holding that the appellant had failed to fulfil the necessary conditions for admission of appeal before CIT(A) as per section 249(4)(b).

4. Being aggrieved, the appellant is in appeal before this Tribunal in the present appeal.

5. When the matter was called on, there was none to represent the case of the assessee despite due service of notice of hearing. We therefore proceed to dispose of the appeal after hearing the Id. DR.

6. The Id. Departmental Representative submitted that the authorities were justified in confirming the addition related to cash deposit as well as interest income in the absence of assessee substantiating the sources of cash deposits. Therefore, no interference by this Tribunal is called for.

7. We heard the Id. DR and perused the material on record. Undisputedly, the CIT(A)/NFAC had dismissed the appeal of the appellant *in limine* invoking the provisions of section 249(4)(b) by holding that the appellant had failed to discharge the advance tax liability. However, there is no material on record to indicate that there was any taxable income but for the addition made by the AO. In the circumstances, there was no liability either to pay the advance tax or

pay the self-assessment tax. The CIT(A)/NFAC was not justified in invoking the provisions of section 249(4)(b). Therefore, we remand the matter back to the file of CIT(A)/NFAC to decide the issues in appeal on merits based on the material available on record. Accordingly, the appeal filed by the assessee stands partly allowed.

8. In the result, the appeal filed by the assessee is partly allowed.

Order pronounced on this 23rd day of July, 2024.

sd/-
(VINAY BHAMORE)
JUDICIAL MEMBER

sd/-
(INTURI RAMA RAO)
ACCOUNTANT MEMBER

Pune / Dated : 23rd July, 2024.
Satish

आदेश की प्रतिलिपि अग्रेषित / Copy of the Order forwarded to :

1. अपीलार्थी / The Appellant.
2. प्रत्यर्थी / The Respondent.
3. The Pr. CIT concerned.
4. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, "B" बेंच, पुणे / DR, ITAT, "B" Bench, Pune.
5. गार्ड फ़ाइल / Guard File.

आदेशानुसार / BY ORDER,

// True Copy //

Senior Private Secretary
आयकर अपीलीय अधिकरण, पुणे / ITAT, Pune.