

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

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

ITA No.1166/Bang/2024
Assessment Year : 2016-17

Kortikere Srinivasa Iyengar Amruthavally, 166 Srinivasa Nilaya, Behind Police Quarter, Holakere – 577 526. PAN :AVCPA 3981 D	Vs.	ITO, Ward - 1, Chitradurga.
APPELLANT		RESPONDENT

Assessee by	:	Smt. Sunaiana Bhatia, CA
Revenue by	:	Shri. Ganesh R Ghale, Standing Counsel for Department.

Date of hearing	:	15.07.2024
Date of Pronouncement	:	18.07.2024

ORDER

Per Prakash Chand Yadav, Judicial Member :

The present appeal of the assessee, is arising from the order of CIT(A) dated 18/03/2024 in DIN No. ITBA/APL/S/250/2023-24/1062810043(1) for the Assessment Year (AY) 2016-17.

2. Brief facts leading to the filing of this appeal. Assessee is an individual filed her return for impugned AY declaring an income of Rs.2,28,060/-. Thereafter, the case of the assessee was selected for scrutiny. During the course of assessment proceedings, the Assessing Officer(AO) observed that the assessee has deposited cash as under: -

Date	Name of Bank	Amount
15.09.2015	Karnataka Bank, Holalkere	1,20,000/-
06.02.2016	Karnataka Bank, Holalkere	5,00,000/-

24.02.2016	PKGB, Holalkere	6,00,000/-
31.03.2016	PKGB, Holalkere	4,00,000/-

3. Perusal of the dates mentioned above would show that all these amounts were deposited prior to introduction of demonetization. Be that as it may, the AO has asked the assessee to prove the source of these cash deposits. In response, assessee replied that the amounts have been received from her husband who was carrying out agricultural activities. Dissatisfied with the reply of the assessee, AO made addition of an amount of Rs.16,20,000/- to the return of income of the assessee by invoking the provisions of section 69A of the Act and taxed this amount under section 115BBE of the Act.

4. Aggrieved with the Order of the AO, assessee filed appeal before the CIT(A) and has raised 8 grounds of appeal. Assessee has also filed statement of facts before the CIT(A) and explained the source of amount deposited in the bank account of the assessee. The CIT(A) at the time of hearing has issued 5 notices to the assessee for attending the appellate proceedings and dismissed the appeal of the assessee for the want of prosecution. The Ld CIT(A) has also ignored the provisions of section 250(6) of the Act.

5. Now the assessee has come up in appeal before us. Learned Counsel for the assessee, at the outset, requested that the matter may be restored to the file of CIT(A) for deciding afresh on merits of the case. She further argued that the assessee will not take unnecessary adjournments and will duly comply with the directions of the CIT(A).

6. Learned DR appearing for the Revenue supported the Orders of the authorities below.

7. After considering the rival submissions, we observe that the CIT(A) has issued around 5 notices of hearing to the assessee. However, except the service

of one notice, the CIT(A) could not point out whether the other notices were actually served on the assessee. Further, the CIT(A) has also not followed mandate of section 250(6) of the Act which provision provides that the CIT(A) will decide each and every point involved in the appeal and his decision should be based on reasons. Therefore, considering the facts and circumstances of the case, we restore the matter to the file of CIT(A) for deciding a fresh.

8. Needless to say that Ld CIT(A) will grant meaningful opportunity to the assessee. We also direct the assessee to appear before the CIT(A) and should comply with the direction of the Ld CIT(A).

9. In the result, appeal of the assessee is allowed for statistical purposes.

Pronounced in the open court on the date mentioned on the caption page.

Sd/-

(CHANDRA POOJARI)
Accountant Member

Sd/-

(PRAKASH CHAND YADAV)
Judicial Member

Bangalore.

Dated: 18.07.2024.

/NS/*

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| 1. Appellants | 2. Respondent |
| 3. DRP | 4. CIT |
| 5. CIT(A) | 6. DR,ITAT, Bangalore. |
| 7. Guard file | |

By order

Assistant Registrar,
ITAT, Bangalore.