

आयकर अपीलीय अधिकरण "ए" न्यायपीठ पुणे में ।
IN THE INCOME TAX APPELLATE TRIBUNAL "A" BENCH, PUNE

BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER
AND
SHRI INTURI RAMA RAO, ACCOUNTANT MEMBER

आयकर अपील सं. / ITA No.325/PUN/2024
निर्धारण वर्ष / Assessment Year : 2017-18

Amol Chimanrao Patil, Highway No. 6, Parola, Taluka-Parola, Jalgaon-425111 PAN : AKFPP6559C	Vs.	ITO, Ward – 2(3), Jalgaon
अपीलार्थी / Appellant		प्रत्यर्थी / Respondent

Assessee by :	N O N E
Department by :	Shri Ramnath P. Murkunde
Date of hearing :	29-07-2024
Date of Pronouncement :	31-07-2024

आदेश / ORDER

PER SATBEER SINGH GODARA, JM :

This assessee's appeal for assessment year 2017-18, arises against the National Faceless Appeal Centre [in short the "NFAC"] Delhi's DIN & Order No. ITBA/NFAC/S/250/2023-24/1058115442(1), dated 21.11.2023, involving proceedings u/s. 250 of the Income Tax Act, 1961 (in short "the Act").

Case called twice. None appears at the assessee's behest. We accordingly proceeded ex-parte.

2. We note that with the able assistance coming from the Revenue side that the assessee pleads the following substantive grounds in the instant appeal :

- “1. The Ld (IT (A) has erred in confirming addition of Rs.80,01,000/- u/s 69A r.w.s. 115BBE of the Income Tax Act, 1961 in respect of cash deposited into bank account of the appellant without appreciating the fact that the said cash deposited into the bank account was part of the petroleum products sold in cash during the financial year 2016-17.

The appellant 'prays before Your Honour to kindly direct the Ld AO to delete the addition of Rs.80,01,000/- made in the income of the appellant u/s 69A r.w.s.115BBE.

2. *The Ld (IT (A) has erred in confirming addition of Rs.3,80,912/- in the income of the appellant by estimating the Gross Profit from the business of the appellant as 3.54% based on gross profit percentage of the preceding financial year by rejecting actual gross profit of the financial year 2016-17 which is 1.64%.*

The appellant prays before Your Honour to kindly direct the Ld AO to delete the addition of Rs.3,80,912/- made by the Ld AO on the basis of gross profit of preceding financial year.

3. *The Ld (IT (A) has erred in confirming the disallowance of the depreciation expenses of Rs.4,38,657/- on new asset purchased during the financial year 2016-17 without appreciating the supporting documents submitted during the appellate proceedings.*

The appellant prays before Your Honour to kindly direct the Ld AO to delete the addition of Rs.4,38,657/- made by Ld AO towards disallowance of depreciation expenses on newly purchased asset.

4. *The Ld (IT (A) has erred in confirming the view of the Ld AO to treat the agricultural income declared in Income Tax Return of Rs.5,68,157/- as taxable income of the appellant without considering the facts of the case of the appellant.*
5. *The appellant craves leave to add, alter, amend or delete any of the above grounds of appeal at the time of hearing.”*

3. Next comes both the lower authority's action(s) inter alia making various disallowances/addition(s) representing varying sums of low gross profits after estimation, depreciation, agricultural income and that u/s. 69A; as the case may be.

4. Mr. Murkunde vehemently argued during the course of hearing that the assessee has neither filed all the relevant details before the Assessing Officer nor in the lower appellate proceedings.

5. Faced with this situation, we invited the Revenue's attention to the CIT(A) findings in paragraph No. 5 pages 4 to 8 which indicate that neither he has framed any point(s) for determination nor there is any detailed adjudication thereupon as per section 250(6) of the Act. We accordingly, deem it a fit case to restore back to the file of CIT(A)/NFAC, Delhi for its

afresh appropriate adjudication as per law preferably within three effective opportunities of hearing subject to a rider that it shall be assessee's risk and responsibility only to file and prove all the relevant facts in consequential proceedings.

6. This assessee's appeal is allowed for statistical purposes in above terms.

Order pronounced in the open court on 31st July, 2024.

Sd/-
(Inturi Rama Rao)
ACCOUNTANT MEMBER

Sd/-
(Satbeer Singh Godara)
JUDICIAL MEMBER

पुणे / Pune; दिनांक / Dated : 31st July, 2024.
रवि

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, "ए" बेंच,
पुणे / DR, ITAT, "A" Bench, Pune.
5. गार्ड फ़ाइल / Guard File.

//सत्यापित प्रति// True Copy//

आदेशानुसार / BY ORDER,

वरिष्ठ निजी सचिव / Sr. Private Secretary
आयकर अपीलीय अधिकरण, पुणे / ITAT, Pune