

IN THE INCOME TAX APPELLATE TRIBUNAL
Mumbai "C" Bench, Mumbai.

Before Shri Pavan Kumar Gadale (JM) & Shri Omkareshwar Chidara (AM)

I.T.A. No. 2324/Mum/2024 (A.Y. 2013-14)

Punit Kevalchand Surana 5001/B, One Avighna Park, Mahadeo Palav Marg, Currey Road Mumbai-400 012. PAN : AABPJ5162D (Appellant)	Vs.	ACIT, Circle-20(1) Piramal Chambers Lalbaug Parel Mumbai-400 012. (Respondent)
--	-----	---

Assessee by	Ms. Vinita Shah
Department by	Shri H.M. Bhatt
Date of Hearing	09.07.2024
Date of Pronouncement	29.07.2024

ORDER

Per Omkareshwar Chidara (AM) :-

The only ground taken by appellant in this case is that the Learned Commissioner of Income Tax (Appeals) [Ld. CIT(A) for short] passed an order without giving sufficient opportunity and confirmed the reopening of the assessment of case alongwith addition of Rs. 1.40 crores u/s. 69B w.r.t. unexplained investment while purchasing a flat from M/s. Nish Developers (P) Ltd.

2. On the day of hearing before this Tribunal, Learned Authorised Representative (Ld. AR for short) of assessee could not properly explain the reasons for not appearing before the Ld. CIT(A). Ld. DR per contra, supported the orders of the lower authorities and pleaded for confirming the addition made by Ld. AO.

3. From the order of the Ld. CIT(A), it is observed that several opportunities were given to assessee, but the assessee did not respond to any of these notices and hence the appellate order was passed by the Ld. CIT(A) dismissing his appeal by adjudicating that assessee is not interested in pursuing the appeal before him. It is observed from the order of the Ld. CIT(A) that there is no adjudication on the "Grounds of Appeal" filed by assessee.

4. In view of the above, it is decided to remit the matter back to the Ld. CIT(A) with a direction to give one more effective opportunity and adjudicate the issue on merits. The assessee is directed to cooperate with the Ld. CIT(A) and file the relevant material on which he wants to rely upon. As there was no presence before the Ld. CIT(A) without any reasonable cause, cost of Rs. 5000/- is levied on assessee and he is directed to pay the same to Income Tax Department.

5. The appeal of assessee is allowed for statistical purposes.

Order pronounced in the open court on 29th July, 2024.

Sd/-
(Pavan Kumar Gadale)
Judicial Member

Sd/-
(Omkareshwar Chidara)
Accountant Member

Mumbai : 29.07.2024

Copy of the Order forwarded to :

1. The Appellant
2. The Respondent
3. The CIT(A)
4. CIT
5. DR, ITAT, Mumbai.

6. Guard File.

//True Copy//

PS

BY ORDER,

(Assistant Registrar)
ITAT, Mumbai