

आयकर अपीलीय अधिकरण, हैदराबाद पीठ
IN THE INCOME TAX APPELLATE TRIBUNAL
Hyderabad ' A ' Bench, Hyderabad

Before Shri Laliet Kumar, Judicial Member
And
Shri Manjunatha, G. Accountant Member

आ.अपी.सं / **ITA No.538/Hyd/2024**
(निर्धारण वर्ष / Assessment Year: 2017-18)

Shri Laxmipathi Sadula Warangal PAN:ATOPS0711R (Appellant)	Vs.	Income Tax Officer Ward - 2 Warangal (Respondent)
निर्धारिती द्वारा / Assessee by:	Shri P. Vinod, Advocate	
राजस्व द्वारा / Revenue by:	Shri Srinath Sadanala, DR	
सुनवाई की तारीख / Date of hearing:	06/08/2024	
घोषणा की तारीख / Pronouncement:	06/08/2024	

आदेश/ORDER

Per Manjunatha, G. A.M

This appeal filed by the assessee is directed against the order dated 20.11.2023 of the learned CIT (A)-NFAC Delhi, relating to A.Y.2017-18.

2. The brief facts of the case are that the assessee filed its return of income for the A.Y 2017-18 on 7.11.2017 admitting total income of Rs.4,73,720/-. As per ITS Data, the assessee has made a total cash deposits of Rs.2,82,13,410/-into SBI, Parkal Branch

which included Rs.26,73,000/- during the demonetization period. The Assessing Officer issued statutory notices u/s 143(2) and 142(1) of the I.T. Act, 1961 to which the assessee failed to explain the sources of the cash deposits in bank account which included cash deposits during demonetization period of Rs.26,73,000/- with supporting evidences. Since the assessee failed to explain the sources of the amount of Rs.2,82,13,410/-, the Assessing Officer treated the same within the meaning of section 69A of the Act and is taxable u/s 69A r.w.s. 115BBE of the I.T. Act, 1961 at the rate of 60%.

3. Aggrieved by the assessment order, the assessee preferred an appeal before the learned CIT (A). Before the learned CIT (A), the assessee neither appeared nor explained the source for the cash deposits. Therefore, the learned CIT (A) dismissed the appeal filed by the assessee.

4. Aggrieved by the order of the learned CIT (A), the assessee is in appeal before the Tribunal.

5. The learned Counsel for the assessee submitted that the appellant wanted the notice by post due to the nature of his business and his age, he is not used to emails and messages. The learned Counsel for the assessee further submitted that given an opportunity, the assessee would be in a position to submit all the requisite details with documentary evidence before either of the authorities.

6. The learned DR, on the other hand, supporting the orders of the authorities below submitted that the assessee neither appeared nor submitted any details/documentary evidence before the Assessing Officer/learned CIT (A) despite issuance of several notices. Hence, the order of the Assessing Officer and the learned CIT (A) should be upheld and the grounds raised by the assessee should be dismissed.

7. We have heard both the parties, perused the material available on record and gone through the orders of the authorities below. It is the submission of the learned Counsel for the assessee that the assessee has not received any notices by post and he is not used to emails due to his age and nature of business. Considering the totality of the facts and circumstances of the case, we deem it proper to restore the issue back to the file of the Assessing Officer with a direction to give one more opportunity of being heard to the assessee to substantiate his case. The assessee is also hereby directed to submit all the necessary documents to substantiate his case before the Assessing Officer on the appointed date and time without seeking any adjournment under any pretext. Since the assessee has failed to comply with the statutory notices issued by the Department, we levy a charge of Rs.5000/- on the assessee and the assessee is hereby directed to deposit a sum of Rs.5000/- with the Telangana State Legal Aid Authorities at the Hon'ble Telangana High Court within a period

of one month from the date of this order and submit necessary payment slip with the Registry. We hold and direct accordingly.

8. In the result, appeal filed by the assessee is allowed for statistical purposes.

Order pronounced in the Open Court at the time of hearing itself, i.e. on 6th August, 2024.

Sd/-

Sd/-

(LALIET KUMAR) JUDICIAL MEMBER	(MANJUNATHA, G.) ACCOUNTANT MEMBER
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Hyderabad, dated 6th August, 2024

Vinodan/sps

Copy to:

S.No	Addresses
1	Shri Laxmipathi Sadula, Bhupalpally, H.No.3-67 Main Road Regonda, Jayshankar, Telangana 506348
2	Income Tax Officer Ward -2 D.No.1-8-610, 3 rd Floor, Mayuri Complex, Opp: TSNPDCL Bhavan, Nakkalagutta, Hanamkonda, Warangal 506001
3	Pr. CIT - Hyderabad
4	DR, ITAT Hyderabad Benches
5	Guard File

By Order