

**आयकर अपीलीय अधिकरण “ए” न्यायपीठ चेन्नई में।**  
**IN THE INCOME TAX APPELLATE TRIBUNAL**  
**“A” BENCH, CHENNAI**

**माजनीय श्री महावीर सिंह, उपाध्यक्ष एवम्**  
**माजनीय श्री मनोज कुमार अग्रवाल, लेखक सदस्य के समक्ष।**  
**BEFORE HON'BLE SHRI MAHAVIR SINGH, VP AND**  
**HON'BLE SHRI MANOJ KUMAR AGGARWAL, AM**

**आयकर अपीलसंख्या ITA No.1306/Chny/2024**  
**(निर्धारणवर्ष / Assessment Year: 2017-18)**

<b>M/s. Sowbarnika Jewellery</b> 355-M, Ruby Complex, Big Bazaar Street, Coimbatore-641 001.	<b>बनम्/</b> <b>Vs.</b>	<b>ACIT</b> Non-Corporate Circle-1 Coimbatore.
स्थायी लेखासं./जीआइआरसं./PAN/GIR No. <b>ABOFS-1177-R</b>		
(अपीलार्थी/ <b>Appellant</b> )	:	(प्रत्यर्थी / <b>Respondent</b> )

अपीलार्थीकी ओरसे/ <b>Appellant by</b>	:	Shri A. Suraj Nahar (CA)- Ld.AR
प्रत्यर्थीकी ओरसे/ <b>Respondent by</b>	:	Ms. Samantha (Addl.CIT) -Ld. DR

सुनवाईकी तारीख/ <b>Date of Hearing</b>	:	22-07-2024
घोषणाकी तारीख / <b>Date of Pronouncement</b>	:	08-08-2024

**आदेश / ORDER**

**Manoj Kumar Aggarwal (Accountant Member)**

1. Aforesaid appeal by assessee for Assessment Year (AY) 2017-18 arises out of the order of the learned Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi [CIT(A)] dated 06-03-2024 in the matter of an assessment framed by Ld. Assessing Officer [AO] u/s.143(3) of the Act on 27-12-2019. Upon perusal of assessment order, it could be seen that the assessee is engaged in trading of silver. The assessee was subjected to survey u/s 133A and the assessee offered excess stock. The Ld. AO added the

same u/s 69A r.w.s. 115BBE. The Ld. AO also made similar additions of Rs.5.38 Lacs & Rs.11.52 Lacs. Though the assessee preferred appeal against the same, it remained non-compliant. Accordingly, Ld. CIT(A) confirmed the assessment against which the assessee is in further appeal before us.

2. The Ld. AR pleaded for another opportunity of hearing which has been opposed by Ld. Sr. DR.

3. Though the assessee has remained negligent, however, keeping in mind the principle of natural justice, we deem it fit to grant another opportunity to the assessee to substantiate its case. Accordingly, the impugned order is set aside and the appeal is restored back to the file of Ld. CIT(A) for de novo adjudication after affording opportunity of hearing to the assessee. The assessee is directed to substantiate its case forthwith failing which Ld. CIT(A) shall be at liberty to proceed with disposal of appeal on merits on the basis of material on record.

4. The appeal stand allowed for statistical purposes.

*Order pronounced on 8<sup>th</sup> August, 2024*

*Sd/-*  
**(MAHAVIR SINGH)**  
उपाध्यक्ष / **VICE PRESIDENT**

*Sd/-*  
**(MANOJ KUMAR AGGARWAL)**  
लेखा सदस्य / **ACCOUNTANT MEMBER**

चेन्नई Chennai; दिनांक Dated :08-08-2024  
*DS*

**आदेशकीप्रतिलिपिअग्रेषित/Copy of the Order forwarded to :**

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकरआयुक्त/CIT Chennai.
4. विभागीयप्रतिनिधि/DR
5. गार्डफाईल/GF