

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.400/Hyd/2024**
(निर्धारण वर्ष / Assessment Year: 2017-18)

Shri Venna Chandra Mohan Kalwakurthy PAN:AFKPC5725K (Appellant)	Vs.	Income Tax Officer Ward 1 Mahaboobnagar (Respondent)
निर्धारिती द्वारा/Assessee by:	Shri L Vishnu Teja, CA	
राजस्व द्वारा/Revenue by:	Shri Srinath Sadanala, DR	
सुनवाई की तारीख/Date of hearing:	07/08/2024	
घोषणा की तारीख/Pronouncement:	07/08/2024	

आदेश/ORDER

Per Manjunatha, G. A.M

This appeal filed by the assessee is directed against the order dated 23.02.2024 of the learned CIT (A)-NFAC Delhi, relating to A.Y.2017-18.

2. The brief facts of the case are that the assessee in this case, as per the information available with the Department, noticed that the assessee had made cash deposits of Rs. 1,61,10,670/- in his bank account during the F.Y. 2016-17,

relevant to A.Y. 2017-18. As per the information available with the Department and as verified from AST and ITBA Application, the Assessing Officer noticed that the assessee has not filed his return of income for A.Y. 2017-18 and thus there is a reason to believe that the above said transactions has escaped assessment, therefore, after obtaining necessary approval of the authority, the statutory notice u/s 148 of the Income Tax Act, 1961 was issued on 31.03.202 and further notice u/s.142(1) of the I.T. Act along with questionnaire was issued to the assessee on 26.11.2021. In response, the assessee has not uploaded any reply nor submitted any written submission. Since the assessee failed to comply with the statutory notices issued by the Assessing Officer, the Assessing Officer completed the assessment u/s 144 r.w.s. 147 r.w.s. 144B of the I.T. Act, 1961 and assessed the total income of the assessee at Rs.1,61,10,670/-.

3. Aggrieved by the assessment order, the assessee preferred an appeal before the learned CIT (A). Before the learned CIT (A), the appellant filed the appeal with a delay of 227 days and has not provided any reason for delay in filing the appeal. After considering the appeal on merit, the learned CIT (A) dismissed the appeal filed by the assessee and upheld the order passed by the Assessing Officer.

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 assessee was not maintaining good health due to his hip joint disorders besides the onslaught of corona during the period 2020-2023 and thus could not attend the proceedings before the authorities. The learned Counsel for the further assessee submitted that the Assessing Officer was not having any material gathered from which a judicious judgment could be made while making assessment u/s 144 and thus the learned CIT (A) erred in not holding the assessment order u/s 144 of the I.T. Act, 1961 as bad in law or arbitrary. The learned Counsel further submitted that given an opportunity, the assessee would be in a position to explain its case before either of the authorities with requisite details/documentary evidence.

6. The learned DR, on the other hand, supporting the orders of the authorities below submitted that the assessee failed to appear before the Assessing Officer and the learned CIT (A) despite issuance of statutory notices on many occasions. 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. We find that the assessee failed to comply with the notices issued by the Department and also failed to substantiate its case before the learned CIT (A) without requisite details/documentary evidences. 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. 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 7th August, 2024.

Sd/-

Sd/-

(LALIET KUMAR) JUDICIAL MEMBER	(MANJUNATHA, G.) ACCOUNTANT MEMBER
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Hyderabad, dated 7th August, 2024

Vinodan/sps

Copy to:

S.No	Addresses
1	Shri Venna Chandra Mohan, 20-118 Hanuman Nagar, Kalwakurthy, Mahaboobnagar 509324
2	Income Tax Officer Ward 1 Mahaboobnagar
3	Pr. CIT - Hyderabad
4	DR, ITAT Hyderabad Benches
5	Guard File

By Order