

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH: 'E' NEW DELHI**

**BEFORE SH. PRADIP KUMAR KEDIA, ACCOUNTANT MEMBER
AND
SHRI YOGESH KUMAR U.S., JUDICIAL MEMBER**

I.T.A. No. 471/DEL/2024 (A.Y 2017-18)

Nikunj Industries Village Sahupura, Tehsil Ballabgarh, Faridabad, Faridabad, Haryana PAN No. AAHFN1986D (APPELLANT)	Vs.	ITO Office of the Income Tax Office, Ward-2(1) Faridabad, Haryana (RESPONDENT)
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Assessee by :	Sh. Deepanshu Sighla, Adv
Department by:	Sh. Jatender Kumar Kale, SR. DR

Date of Hearing	01.08.2024
Date of Pronouncement	12.08.2024

ORDER

PER YOGESH KUMAR U.S., JM

This appeal is filed by the assessee for Assessment Year 2017-18 against the order of the Ld. CIT(A)/National Faceless Appeal Centre ('NFAC' for short), Delhi dated 12/12/2013.

2. The grounds of Appeal are as under:-

“1. The order of Ld. AO. is bad in law and on the facts of the case.

2. The Ld. AO. Has grossly erred in making addition of Rs. 2,63,69,648/- merely on suspicion, surmises and in ad-hoc manner without any basis.

3. The Ld. AO. Has grossly erred in making addition of cash deposit ignoring pattern of assessee firm of cash deposit from preceding years. 4. The order passed by Ld. AO. Is illegal and bad in law as AO. has not mentioned under which section the AO. has made addition.

5. The Ld. AO. has not rejected books of account and the cash deposited was from cash in hand therefore, the order passed by the AO. is bad in law as the assessee firm has discharged its onus by providing proof of cash deposit.

6. The assessee reserve rights to amend or alter grounds of appeal.”

3. Brief facts of the case are that, an assessment order came to be passed on 27/12/2019 u/s 143(3) of the Act by making addition of Rs. 2,63,69,648/- on account of income earned from unexplained and undisclosed sources. As against the assessment order dated 27/12/2019, the assessee preferred an Appeal before the Ld. CIT(A), the Ld. CIT(A) vide order dated 12/12/2023 dismissed the Appeal ex-parte. Aggrieved by the order dated

12/12/2023, the assessee preferred the present Appeal on the grounds mentioned above.

4. The Ld. Counsel for the assessee fairly submitted that the Assessee could not appear and file written submission before the Ld. CIT(A) due to lack of ability of partner of the Assessee Firm responsible for providing the details and documents for preparation of written submission, which resulted in passing the ex-parte order by the Ld. CIT(A). Thus, sought for remanding the matter to the file of the Ld. CIT(A) for adjudication of the Appeal afresh on merits.

5. Per contra, the Ld. Departmental Representative relying on the order of the Lower Authorities sought for dismissal of the Appeal filed by the assessee.

6. We have heard both the parties and perused the material available on record. The Ld. CIT(A) while deicing the Appeal ex-parte has not decided the issues involved in the Appeal on its merit and not decided the grounds of Appeal filed by the assessee.

7. Considering the above facts and circumstances, we remand the issues involved in the Appeal to the file of the Ld. CIT(A) with a direction to decide the Appeal on merit after providing opportunity of being heard to the assessee. The assessee is also directed to cooperate with the proceedings before the Ld. CIT(A). Since we have remanded the matter to the file of Ld. CIT(A) for de-novo adjudication, the Grounds of Appeal of the assessee on merit are not decided by us.

8. In the result, the Appeal filed by the assessee is partly allowed for statistical purpose.

Order pronounced in the open court on 12th AUGUST, 2024.

Sd/-

**(PRADIP KUMAR KEDIA)
ACCOUNTANT MEMBER**

Dated : 12/08/2024

*R.N, Sr. PS**

Copy forwarded to :

1. Appellant
2. Respondent
3. CIT
4. CIT (Appeals)
5. DR: ITAT

Sd/-

**(YOGESH KUMAR U.S.)
JUDICIAL MEMBER**

ASSISTANT REGISTRAR
ITAT NEW DELHI

