

**IN THE INCOME TAX APPELLATE TRIBUNAL  
“C” BENCH : BANGALORE**

BEFORE SMT. BEENA PILLAI, JUDICIAL MEMBER  
AND  
SHRI LAXMI PRASAD SAHU, ACCOUNTANT MEMBER

ITA No.1123/Bang/2024
Assessment year : 2018-19

M/s. Reddy Housing Private Ltd., # 133/1, ‘The Residency’, 2 <sup>nd</sup> Floor, Residency Road, Bangalore – 560 025. <b>PAN : AAFCR 9749B</b>	Vs.	The Assistant Commissioner of Income Tax Officer, Circle 3(1)(1), Bangaluru.
APPELLANT		RESPONDENT

Appellant by	:	Shri Narendra Sharma, Advocate
Respondent by	:	Shri V. Parithivel, Jt.CIT(DR)(ITAT), Bengaluru.

Date of hearing	:	15.07.2024
Date of Pronouncement	:	.08.2024

**ORDER**

*Per Laxmi Prasad Sahu, Accountant Member*

This appeal is filed by the assessee against the order dated 25.7.2024 of the CIT(Appeals), National Faceless Appeal Centre, Delhi [NFAC], for the AY 2018-19.

2. Briefly stated the facts of the case are that assessee filed return of income declaring income of Rs.1,42,02,680. The case was selected for scrutiny and statutory notices issued to the assessee. During the course of assessment proceedings, the AO made additions as under:-

Other expenses	-	Rs.10,77,627
Commission & brokerage	-	Rs. 9,45,879
Professional and Consultancy	-	Rs.31,85,933

3. Aggrieved by the above addition, the assessee filed appeal before the First Appellate Authority (FAA) on 06.1.2022. Later on the case was migrated to NFAC in terms of Notification dated 25.9.2020 vide CBDT Notification dated 28.12.2021. During the course of appellate proceedings the CIT(Appeals) issued various notices on different dates, but there was no response from the assessee's side. Accordingly the appeal was dismissed ex parte. Aggrieved, the assessee is in appeal before the ITAT.

4. The Id. AR submitted that during the course of assessment proceedings the case was represented properly, however the AO was not satisfied, therefore he made the addition and assessee filed appeal before the FAA with a delay of 213 days which was not condoned by him. He issued four notices which were not received by the assessee and it seems that the notices might have gone into the spam folder, so it could not be seen by the assessee. Therefore the appeal could not be represented before the FAA and he requested that if a chance is given to the assessee, he undertook to respond to the notices and substantiate the case of the assessee with evidence before the lower authorities.

5. The Id. DR relied on the order of lower authorities and objected to sending back the matter to lower authorities.

6. Considering the rival submissions and prayer of the assessee and in the interest of justice, we remit the issue to the CIT(Appeals) for

fresh consideration and decision as per law. The assessee is directed to update its email id, communication address and other details and file necessary documents that would be essential and required for substantiating his case and for proper adjudication by the revenue authorities. Needless to say that reasonable opportunity of being heard be given to the assessee. The assessee is directed to cooperate with the proceedings and in case of further default, the assessee shall not be entitled to any leniency.

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

Pronounced in the open court on this 16<sup>th</sup> day of August, 2024.

Sd/-

( BEENA PILLAI )  
JUDICIAL MEMBER

Sd/-

(LAXMI PRASAD SAHU )  
ACCOUNTANT MEMBER

Bangalore,  
Dated, the 16<sup>th</sup> August, 2024.

*/Desai S Murthy/*

Copy to:

1. Appellant
2. Respondent
3. Pr.CIT
4. CIT(A)
5. DR, ITAT, Bangalore.

By order

Assistant Registrar  
ITAT, Bangalore.