

आयकर अपीलीय अधिकरण 'बी' न्यायपीठ चेन्नई में।
**IN THE INCOME TAX APPELLATE TRIBUNAL
'B' (SMC)BENCH, CHENNAI**

माननीय श्री मनु कुमार गिरि, न्यायिक सदस्य एवं
माननीय श्री अमिताभ शुक्ला . लेखा सदस्य के समक्ष।
**BEFORE HON'BLE SHRI MANU KUMAR GIRI, JUDICIAL MEMBER
AND HON'BLE SHRI AMITABH SHUKLA, ACCOUNTANT MEMBER**

आयकरअपील सं./ ITA No.1702/Chny/2024
(निर्धारणवर्ष / Assessment Year: 2017-2018)

Katariya Parasmal Premchand,
No.44, Agraharam Street,
Chintadhripet,
Chennai 600 002.

Vs. The Income Tax Officer,
Non Corporate Ward 9(2)
Chennai 600 034.

[PAN: AAFHK 8612K]

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से/ Appellant by
प्रत्यर्थी की ओर से /Respondent by

: Shri D. Anand, Advocate
: Ms. Gouthami Manivasagam, IRS, JCIT.

सुनवाई की तारीख/Date of Hearing : 21.08.2024

घोषणा की तारीख /Date of Pronouncement : 23.08.2024

आदेश / ORDER

MANU KUMAR GIRI (Judicial Member)

This appeal filed by the assessee is directed against the order of the Ld. Commissioner of Income Tax (Appeals)(NFAC) Delhi [CIT(A)] dated 11.01.2024 for Assessment Year 2017-18.

2. The registry has noted delay of 88 days in filing the appeal. Considering the period of delay and reasons stated at paras 1 to 8 of condonation affidavit given by the Assessee, we condone the delay and admit the appeal for adjudication.

3. Assessee is an individual engaged in money lending business has filed his return of income for AY 2017-18 on 30.03.2018 declaring the total income of Rs.5,03,690/-. The case was selected for scrutiny through CASS. Reason for selection was to verify 'cash deposits during demonetization' period. During assessment proceedings, the assessee was not able to justify the source for cash deposits are out of receipts from sundry debtors. Hence, Id.AO made an addition of Rs.15,00,000/- vide order dated 12.12.2019 u/s. 143(3) of the Income Tax Act, 1961 ('Act' in short). Aggrieved assessee preferred an appeal before the Id.CIT(A), who dismissed the appeal of assessee on merits although assessee failed to appear before the Id.CIT(A) despite several notices. Assessee is in further appeal before us.

4. At the outset, Ld. Counsel for the appellant submitted that Ld. CIT(A) had not properly followed the principles of natural justice in true spirit. Ld.CIT(A) issued first two notices dated 13.01.2021 and 04.05.2022 during Covid-19 period and others in 2023 after gap of almost 8 months which were inadvertently not noticed by the counsel. Ld. Counsel for the appellant further prayed that if an adequate opportunity of hearing is given before Id.CIT(A), assessee will prosecute the appeal properly. Ld.CIT-DR relied upon the order of Id.CIT(A) and prayed for dismissal of appeal.

5. We have gone through the orders of lower authorities and submissions addressed by the parties before us. We are of the considered view that in the interest of justice assessee should be given one more opportunity before Id.CIT(A) to

prosecute his case. Therefore, in the light of aforesaid factual position we deem it fit to set aside this appeal to the file of Id.CIT(A) to hear the appeal afresh subject to cost of Rs.5000/- which shall be deposited by the assessee within 30 days from the date of receipt of this order to 'Tamil Nadu State Legal Services Authority' at Hon'ble High Court of Madras. The proof of the same will be furnished by the Assessee before Ld.CIT(A) whose shall proceed for denovo hearing of appeal after providing proper opportunity of hearing to the assessee. The assessee is directed to substantiate its case forthwith without any fail, failing which Ld. CIT(A) shall be at liberty to proceed with the disposal of the appeal as per law.

6. In the result, appeal filed by the assessee is allowed for statistical purpose.

Order pronounced in the open court on 23rd day of August, 2024 at Chennai.

Sd/-

(अमिताभ शुक्ला)

(AMITABH SHUKLA)

लेखा सदस्य / ACCOUNTANT MEMBER

Sd/-

(मनु कुमार गिरि)

(MANU KUMAR GIRI)

न्यायिक सदस्य / JUDICIAL MEMBER

चेन्नई Chennai:

दिनांक Dated : 23-08-2024

KV

आदेश की प्रतिलिपि अग्रेषित /Copy to :

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