

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

**BEFORE SHRI KUL BHARAT, JUDICIAL MEMBER &  
SHRI AVDHESH KUMAR MISHRA, ACCOUNTANT MEMBER**

**ITA No.2071/Del/2024  
[Assessment Year : 2017-18]**

Kanchan Kumar, 87/A, 1 <sup>st</sup> Floor, Jamrudpur, G.K.Part-1, New Delhi-110048. <b>PAN-ANGPK6990E</b>	vs	ITO, Ward-59(4), New Delhi.
<b>APPELLANT</b>		<b>RESPONDENT</b>
<b>Appellant by</b>	Shri Parnav Yadav, Adv.	
<b>Respondent by</b>	Shri Diwakar Singh, Sr.DR	
<b>Date of Hearing</b>	20.08.2024	
<b>Date of Pronouncement</b>	27.08.2024	

**ORDER**

**PER KUL BHARAT, JM :**

The present appeal filed by the assessee is directed against the order passed by Ld.CIT(A), National Faceless Appeal Centre (“NFAC”), Delhi dated 25.01.2024 for the assessment year 2017-18.

2. The assessee has raised following grounds of appeal:-

1. *“On the facts and circumstances of the case and in law, the assessment order passed by the assessing officer is bad-in-law, and without jurisdiction and Id. CIT (A) erred in not holding so.*
2. *On the facts and circumstances of the case and in law, the CIT (A) erred in not adjudicating the grounds of appeal on merit.*
3. *On the facts and circumstances of the case and in law, the CIT (A) erred in passing ex- parte order.*
4. *On the facts and circumstances of the case and in law, the CIT (A) erred in passing order without providing proper opportunity of being heard.*

5. *On the facts and circumstances of the case and in law, the order passed by CIT (A) is against the principles of natural justice.*
6. *On the facts and circumstances of the case and in law, the Id. CIT (A) erred in confirming the addition of Rs. 35,00,000/- made by the assessing officer on the account of alleged unexplained cash deposits u/s 69A r.w.s 115BBE of the Act.*
7. *On the facts and circumstances of the case the CIT(A) erred in confirming the addition made by the assessing officer of Rs. 33,41,234/- (being 2% of turnover).*
8. *On the facts and circumstances of the case, the CIT(A) erred in confirming the addition made by the assessing officer of Rs. 60,790/- on account of disallowance of deduction claimed under chapter VI.*

*The aforesaid grounds of appeal are without prejudice to each other.”*

3. At the outset, apropos to the grounds of appeal, Ld. Counsel for the assessee contended that the impugned order was passed *ex-parte* to the assessee. The assessee was not given sufficient opportunity by Ld.CIT(A) to represent his case. He submitted that in the interest of natural justice, the matter be remanded back to the file of Assessing Officer (“AO”). He contended that the assessee has a very good case on the merit. He further submitted that deposits are made out of explained source which can be verified by AO.

4. On the other hand, Ld. Sr. DR for the Revenue opposed these submissions and supported the orders of the authorities below.

5. We have heard Ld. Authorized Representatives of the parties and perused the material available on record and gone through the orders of the

authorities below. The AO made addition on the basis of cash deposited in the bank account and proceeded to make addition *ex-parte* to the assessee. Before Ld.CIT(A) also, there was no effective representation on behalf of the assessee. It is stated that sufficient opportunity was not granted to the assessee. The assessee would furnish source of cash deposited in his bank account and same can be verified by AO. Looking to the totality of the facts, we deem it proper to set aside the impugned order and restore the assessment to the file of Assessing Authority to make assessment afresh and afford reasonable opportunity of being heard in the interest of principle of natural justice. Grounds raised by the assessee are accordingly, allowed for statistical purposes.

6. In the result, the appeal of the assessee is allowed for statistical purposes.

Order pronounced in the open Court on 27<sup>th</sup> August, 2024.

**Sd/-**

**(AVDHESH KUMAR MISHRA)  
ACCOUNTANT MEMBER**

**Sd/-**

**(KUL BHARAT)  
JUDICIAL MEMBER**

*\* Amit Kumar \**

Copy forwarded to:

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

ASSISTANT REGISTRAR  
ITAT, NEW DELHI