

**IN THE INCOME TAX APPELLATE TRIBUNAL
'A' BENCH : BANGALORE**

**BEFORE SHRI WASEEM AHMED, ACCOUNTANT MEMBER AND
SHRI PRAKASH CHAND YADAV, JUDICIAL MEMBER**

ITA No.1332/Bang/2024
Assessment Years : 2017-18

Prakruthi Mahila Credit Society , Near New Bus Stand, JC Road, Ayakanahatti Post, Jagalur TQ, Chitradurga – 577 536. PAN – AAAAP 4662 L	Vs.	The Income Tax Officer, Ward – 1, Chitradurga.
APPELLANT		RESPONDENT

Assessee by	:	Ms. Shree Raksha, B.Com
Revenue by	:	Ms. Neha Sahay, JCIT (DR)

Date of hearing	:	20.08.2024
Date of Pronouncement	:	22.08.2024

ORDER

PER WASEEM AHMED, ACCOUNTANT MEMBER:

This is an appeal filed by the assessee against the order passed by the NFAC, Delhi dated 24/05/2024 vide DIN No. ITBA/NFAC/S/250/2024-25/1065125506(1) for the assessment year 2017-18.

2. At the outset, it was noticed that the Id. CIT(A) has issued 5 notices intimating the date of hearing to the assessee but there was no

compliance from the side of the assessee. Thus, the Id. CIT(A) dismissed the appeal of the assessee confirming the order of the AO.

3. The Id. CIT(A) while dismissing the appeal of the assessee has referred to the judgment of Hon'ble Gujarat High Court in the case of PCIT Vs. Ashokji Chanduji Takor 2018-TIOL-2244-HC-AHM-IT.

4. On appeal before us, the Id. AR fairly admitted that the assessee could not appear during the proceedings before the authorities below. However, the Id. AR pointed out that the appeal was instituted before the Id. CIT(A) dated 6/9/2022, whereas the first notice intimating the date of hearing by the Id. CIT(A) was issued almost after a gap of 18 months dated 1/4/2024. Undoubtedly, thereafter, the Id. CIT(A) had issued another 4 notices in a period of less than 30 days by listing the case of the assessee for hearing. According to the Id. AR, the time gap between the notices issued, intimating the date of the hearing, was inadequate. As such, effectively, if it is seen in the right perspective in terms of time only one notice has been issued. According to the Id. AR, there should have been more time gap in the notices issued intimating the date of hearing. The Id. AR before us submitted that the assessee, in the interest of justice and fair play, should have been offered one more opportunity and further assured to make necessary compliances. Thus, the Id. AR prayed to set aside the issue to the file of the AO for fresh adjudication as per the provisions of law as there was also non-appearance during the assessment proceedings.

5. On the other hand, the Id. DR did not raise any serious objection if the matter is set aside to the file of the AO for fresh adjudication as per the provisions of law.

6. We have heard the rival contentions of both the parties and perused the materials available on record. From the preceding discussion, we note that the Id. CIT(A) has issued first notice intimating the date of hearing after a gap of 18 months approximately after filing the appeal by the assessee. Thereafter, other notices were issued by the Id. CIT(A) intimating the date of hearing one after the other within a short span of time. As such, we are of the view that the Id. CIT(A) should have issued notices intimating the date of hearing after a gap of reasonable time.

7. Furthermore, the provisions of sec. 250(6) of the Act require that the Id. CIT(A) should pass the order with reasons after considering the issue involved in dispute. However, the Id. CIT(A) dismissed the appeal of the assessee even without referring to the statement of facts filed by the assessee attached with Form 35 filed along with the appeal.

8. Regarding case law referred by the Id. CIT(A) in the case of Ashokji Chanduji Takor (cited supra), we note that in that case sufficient opportunities were offered to the assessee by the authorities below, whereas in the case on hand, the Id. CIT(A) has issued 5 notices in a span of 40 days only, which appears unreasonable to decide the issue ex-parte to the assessee. In this case, we are of the view that the assessee has not been given sufficient time by the Id. CIT(A) to respond to the notices issued by the Id. CIT(A). Nevertheless, the Id. AR before

us has undertaken the responsibility for making necessary compliances before the revenue authorities. Therefore, in the interest of justice and fair play, we are inclined to restore this issue to the file of the AO for fresh adjudication as per the provisions of law. Hence, the ground of appeal of the assessee is hereby allowed for statistical purposes.

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

Order pronounced in court on 22nd day of August, 2024

Sd/-

(PRAKASH CHAND YADAV)
Judicial Member

Sd/-

(WASEEM AHMED)
Accountant Member

Bangalore
Dated, 22nd August, 2024
/ vms /

Copy to:

1. The Applicant
2. The Respondent
3. The CIT
4. The CIT(A)
5. The DR, ITAT, Bangalore.
6. Guard file

By order

Asst. Registrar, ITAT, Bangalore