

आयकर अपीलीय अधिकरण, हैदराबाद पीठ
IN THE INCOME TAX APPELLATE TRIBUNAL
Hyderabad ' A' Bench, Hyderabad

Before Shri Laliet Kumar, Judicial Member
And
Shri Manjunatha, G. Accountant Member

आ.अपी.सं / **ITA No. 92/Hyd/2023**
(निर्धारण वर्ष / Assessment Year: 2013-14)

Om Prakash Reddy Gangidi R.R. Distt PAN:AFAPG9255J (Appellant)	Vs.	Income Tax Officer Ward 8(2) Hyderabad (Respondent)
निर्धारिती द्वारा/Assessee by:	Advocate Santi Pavan for C.A. Pawan Kumar	
राजस्व द्वारा/Revenue by::	Shri Srinath Sadanala, DR	
सुनवाई की तारीख/Date of hearing:	27/08/2024	
घोषणा की तारीख/Pronouncement:	27/08/2024	

आदेश/ORDER

Per Laliet Kumar, J.M

This appeal filed by the assessee is directed against the order dated 11/07/2022 of the learned CIT (A)-NFAC Delhi, relating to A.Y.2013-14.

2. The brief facts of the case are that the assessee is an individual. On verification of record, the Assessing Officer found that during the financial year 2012-13, the assessee along with 2

others have entered into a development agreement with M/s. BPR Infrastructure Ltd vide document No.1901/2012 dated 4.5.2012 for the property situated at Sy. No.125 of Kokapet Village & Gram Panchayat, Rajendra Nagar, RR Distt. As the transfer of property had taken place in terms of development agreement cum GPA, the assessee is liable to pay capital gains.

3. The Assessing Officer noticed from the records that the assessee has filed return of income for the relevant A.Y offering the capital gains. But while computing the capital gains, the assessee has considered the market value of land as sale consideration which works out to Rs.30,28,622/-. As there is escapement of income, proceedings u/s 147 of the I.T. Act, 1961 was initiated and a notice u/s 147 of the Act was issued. The assessment was completed and made a demand of Rs.25,17,490/- besides penalty proceedings u/s 271(1)(c) of the I.T. Act, 1961 was initiated separately.

4. Aggrieved by the assessment order, the assessee preferred an appeal before the learned CIT (A) but could not succeed on the ground of non-compliance of noticers issued by the learned CIT (A). Therefore, the learned CIT (A) passed ex-parte appellate order and dismissed the appeal filed by the assessee.

5. Aggrieved by the order of the learned CIT (A), the assessee is in appeal before the Tribunal.

6. The learned Counsel for the assessee submitted that the notices issued by the learned CIT (A) was sent to wrong email address and the assessee did notice the show-cause notice issued by the learned CIT (A) to file relevant details. Therefore, requested to set aside the appeal to the learned CIT (A) to give one more opportunity of hearing to the assessee.

7. The learned DR, on the other hand, supported the orders of the Assessing Officer and the learned CIT (A).

8. We have heard both the parties, perused the material available on record and gone through the orders of the authorities below. We find that the reasons given by the appellant for not appearing before the learned CIT (A) appears to be bonafide and reasonable because no assessee would get any benefit by not filing the relevant details before the appellate authorities. Therefore, to give one more opportunity of being heard to the assessee, we set aside the order passed by the learned CIT (A) and restore the issue back to the file of the learned CIT (A) for fresh consideration. The learned CIT (A) is directed to decide the issue on merit after providing another opportunity of being heard to the assessee. The assessee is directed to pay nominal cost of Rs.2000/- to the Telangana State Legal Aid Authorities at the Hon'ble Telangana High Court within a period of 30 days from the date of this order and submit necessary proof of payment to the Registry. We hold and direct accordingly.

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

Order pronounced in the Open Court on 27th August, 2024.

Sd/-

Sd/-

(MANJUNATHA, G.) ACCOUNTANT MEMBER	(LALIET KUMAR) JUDICIAL MEMBER
---	---

Hyderabad, dated 27th August, 2024

Vinodan/sps

sCopy to:

S.No	Addresses
1	Sri Omprakash Reddy Gangidi No.4-118 CBIT, Rajendra Nagar, Ranga Reddy, Hyderabad 500075
2	Income Tax Officer Ward 8(2) Room No.608, 6 th Floor, Signature Towers, Kothaguda, Opp: Botanical Garden, Kondapur, Hyderabad
3	Pr. CIT – Hyderabad
4	DR, ITAT Hyderabad Benches
5	Guard File

By Order