

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

Before Shri Manjunatha, G. Accountant Member

आ.अपी.सं / **ITA No.743/Hyd/2024**
(निर्धारण वर्ष / Assessment Year: 2017-18)

Shri Ashu Kumar Jain Hyderabad PAN:ACJPJ9269R (Appellant)	Vs.	Income Tax Officer Ward 10(3) Hyderabad (Respondent)
निर्धारिती द्वारा / Assessee by: Shri Kumar Patel Tated, CA		
राजस्व द्वारा / Revenue by: Shri K.N. Suresh Babu, DR		
सुनवाई की तारीख / Date of hearing: 29/08/2024		
घोषणा की तारीख / Pronouncement: 02/09/2024		

आदेश/ORDER

This appeal filed by the assessee is directed against the order dated 06/06/2024 of the learned CIT (A)-NFAC Delhi, relating to A.Y.2017-18.

2. The brief facts of the case are that the assessee Shri Ashu Kumar Jain derives income from other sources and capital gains and filed his return of income for the Asst. Year 2017-18 by admitting a total income of Rs.3,74,050/- and long term capital gain income of Rs.2,33,580/-. Later the case was converted into

scrutiny as per CASS provisions which specifies to examine the following:

“Large value cash deposits during demonetization period as compared to return income.

Large value cash deposits during demonetization period.

Large cash deposits compared to returned income.

High value receipt of cash shown from third parties in response data”.

2.1 Subsequently statutory notices u/s 143(2), 142(1) and reminder show cause notice were issued. In response to the notices, the assessee has filed requisite information, but the Assessing Officer rejected the explanation furnished by the assessee.

3. Aggrieved by the order of the Assessing Officer, the assessee preferred an appeal before the learned CIT (A). Before the learned CIT (A), the assessee neither appeared nor filed any evidences though the appeal was posted for hearing on 5 occasions. Therefore, the learned CIT (A) dismissed the appeal filed by the assessee for non-prosecution of the appeal by following certain judicial precedents including the decision of the Hon'ble Supreme Court in the case of B.N. Bhattacharjee & Others (1979) 10 CTR 354(S.C).

4. I have heard both the parties, perused the material available on record and gone through the orders of the authorities below. I find that the learned CIT (A) not discussed the issue on merit with necessary reasons. Therefore, to give another opportunity of hearing to the assessee, the order passed by the learned CIT (A) is set aside and the appeal is restored back to the file of the learned CIT (A) for fresh adjudication. The learned CIT (A) is directed to reconsider the issue after providing reasonable opportunity of being heard to the assessee. Needless to say assessee is hereby directed to appear and file all the requisite details before the learned CIT (A). The assessee is also directed to pay a nominal cost of Rs.2000/- at the State Legal Aide Authorities at the Hon'ble Telangana High Court and furnish necessary proof within 30 days to the Registry, ITAT, Hyderabad from the date of this order.

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

Order pronounced in the Open Court on 2nd September, 2024.

Sd/-

**(MANJUNATHA, G.)
ACCOUNTANT MEMBER**

Hyderabad, dated September, 2024.
Vinodan/sps

Copy to:

S.No	Addresses
1	Shri Ashu Kumar Jain, 5-1-5—Hill Street, Ranigunj, Secunderabad 500003
2	Income Tax Officer Ward 10(3) Hyderabad
3	Pr. CIT - Hyderabad
4	DR, ITAT Hyderabad Benches
5	Guard File

By Order