

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. 772/Hyd/2024**
(निर्धारण वर्ष / Assessment Year: 2017-18)

Shri Busheety Nagaraju BANAGANAPALLY, Kurnool PAN:AMRPN2666G (Appellant)	Vs.	Income Tax Officer Ward - 1 NANDYAL (Respondent)
निर्धारिती द्वारा / Assessee by:	Shri G.Subramanyam, CA	
राजस्व द्वारा / Revenue by::	Shri S.P.G. Mudaliar, DR	
सुनवाई की तारीख / Date of hearing:	04/09/2024	
घोषणा की तारीख / Pronouncement:	04/09/2024	

आदेश/ORDER

This appeal filed by the assessee is directed against the order dated 07/06/2024 of the learned CIT (A)-NFAC Delhi, relating to A.Y.2017-18.

2. At the outset, it is seen that there is a delay of 6 days in filing the appeal before the Tribunal. After hearing the learned DR, the delay in filing of the appeal before the Tribunal is condoned and the appeal is admitted for adjudication.

3. The brief facts of the case are that the assessee filed his return of income for the A.Y 2017-18 on 7/11/2017 declaring total income of Rs.4,93,460/-. The return was processed u/s 143(1) and the case was selected for scrutiny through CASS. Statutory notices u/s 143(2) and 142(1) of the I.T. Act, 1961 were issued and served on the assessee to which the appellant appeared before the Assessing Officer and furnished the requisite details. The Assessing Officer during the course of assesment proceedings, obtained bank statements from the bank in terms of section 133(6) of the I.T. Act, 1961 and the Assessing Officer found that the assessee deposited Rs.28,19,000/- during the demonetization period. The assessee has not filed any details to explain the source for the cash deposits into Andhra Bank amounting to Rs.28,19,000/- during the demonetization period. Thus, the Assessing Officer treated the said amount as unexplained money u/s 69A of the I.T. Act, 1961.

4. Being aggrieved, the assessee preferred an appeal before the learned CIT (A). The learned CIT (A) has also passed an ex-parte order since the appellant has failed to file the relevant evidences to explain the source for cash deposits which is evident from Para 3 of the order of the learned CIT (A) where on first 3 occasions, there is no response from the assessee and on subsequent 2 dates, the assessee sought for adjournments. Therefore, the learned CIT (A) dismissed the appeal filed by the assessee ex-parte for non-prosecution.

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

5. I have gone through the orders of the authorities below. It is an admitted fact that in the case of non-appearance of the appellant, the appeal should be disposed off on merit. In the present case, the learned CIT (A) dismissed the appeal filed by the assessee on technical ground, however, does not adjudicated the issue on merit. Therefore, I am of the considered view that the assessee deserves one more opportunity of hearing before the Assessing Officer to explain its case. Thus, I set aside the order passed by the learned CIT (A) and restore the issue back to the file of the Assessing Officer for fresh consideration. The Assessing Officer is directed to reconsider the issue denovo after providing an opportunity of hearing to the assessee. Needless to say, the assessee shall appear before the Assessing Officer and file all the details without seeking any adjournment. The assessee is further directed to pay a nominal cost of Rs.2000/- at the Telangana State Aide Legal Authorities at the Hon'ble Telangana High Court and furnish proof of payment with the Registry.

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

Order pronounced in the Open Court on 4th September, 2024.

Sd/-

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

Hyderabad, dated 4th September, 2024.

Vinodan/sps

Copy to:

S.No	Addresses
1	Shri Bushetty Nagaraju, 3/42/1 Nandyal Road, Opp. To MDO Office Banganapally, Kurnool 518124
2	Income Tax Officer Ward-1 Nandyal 518501
3	Pr. CIT – Kurnool
4	DR, ITAT Hyderabad Benches
5	Guard File

By Order