

आयकर अपीलीय अधिकरण, 'ए' न्यायपीठ, चेन्नई।
IN THE INCOME TAX APPELLATE TRIBUNAL
'C' BENCH: CHENNAI

श्री एबी टी. वर्की, न्यायिक सदस्य एवं श्री अमिताभ शुक्ला, लेखा सदस्य के समक्ष
BEFORE SHRI ABY T VARKEY, JUDICIAL MEMBER AND
SHRI AMITABH SHUKLA, ACCOUNTANT MEMBER
आयकर अपील सं./ITA No.683/Chny/2024
निर्धारण वर्ष /Assessment Years: - 2013-14

Srinivasan Raju
New No.1-199F
Kunnathur Pudur,
Kunnathur Avanashi,
Coimbatore-641653
[PAN: CUBPS7326E]

Income Tax Officer,
Non-Corporate Circle-3(2),
Coimbatore

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से/ Appellant by

: Shri Sridhar, Advocate

प्रत्यर्थी की ओर से /Respondent by

: Shri Clement Ramesh Kumar, CIT

सुनवाई की तारीख/Date of Hearing

: 04.07.2024

घोषणा की तारीख /Date of Pronouncement

: 04.09.2024

आदेश / ORDER

PER AMITABH SHUKLA, A.M :

This appeal is filed against the order bearing DIN & Order No.ITBA/NFAC/S/250/2022-23/1059814833(1) dated 17.01.2024 of the Learned Commissioner of Income Tax [herein after "CIT(A), National Faceless Appeal Center[NFAC], Delhi, for the assessment year 2013-14. Through the aforesaid appeal the assessee has challenged order u/s 250 dated 17.01.2024 passed by NFAC, Delhi.

2.0 At the outset, the Ld. Counsel for the assessee requested that the case be set aside for re-adjudication as it has not been offered adequate opportunities by the lower authorities to present its case.

3.0 The Ld. DR placed his reliance upon the orders of authorities below.

4.0 We have heard rival submissions in the light of material available on records. The Ld. AO noted that in this case assessment was reopened u/s 147 on account of information that the assessee had deposited large sums of cash in its bank accounts. The assessee did not comply with the Ld. AO's initial notice u/s 148 dated 30.03.2021 to file return of income. The assessee contested the notice which was responded by the Ld. AO. The Ld. AO issued further notices which remained un-complied. In response to the show cause notices dated 11.03.2022 the appellant submitted reply and also filed its return of income on 16.03.2022. The assessee asked for reasons for reopening which according to Ld. AO were liable to be supplied only if the return was filed in time given in 148. Yet the Ld. AO proceed to supply the assessee's reasons of reopening. The Ld. AO however proceeded to treat the return as non est and therefore did not issue notice u/s 143(2). In response to Ld. AO's notices, the assessee submitted few details on 24.03.2022. The Ld. AO upon analyzing the details concluded that an

amount of Rs.5,43,50,000/- was liable for addition u/s 68. The Ld. AO recorded that assessee deliberately avoided assessment proceedings. The Ld.AO accordingly passed an order u/s 147 r.w.s 144 r.w.s 144B. The Ld. CIT(A) proceeded to confirm the order of the Ld. AO. In para-8.2 of his order the Ld. CIT(A) observed that the assessee has provided very late details to the Ld. AO leaving no time for him to conduct any enquiry. Accordingly, he conformed the addition.

5.0 Upon consideration of material available on records, it is abundantly clear that the Ld. AO has not had the opportunity to examine the full facts of the case in the light of requisite evidences. It is also clear that the assessee has not been forthright in timely providing the requested details. Be that as it may in the interest of justice and of fair play, we deem it appropriate to restore the file back to the Ld. AO with the directions to conduct the assessment proceedings de novo after considering all the material placed on records. The assessee is directed to render all the details required by the Ld. AO and comply with his notices. Any non-compliance shall be adversely viewed. The Ld. AO on his part would offer sufficient opportunity of being heard to the assessee. To this extent the order of lower authorities is set aside and the ground of appeal raised by the assessee are allowed for statistical purposes.

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6.0 In the result, the appeal is allowed for statistical purposes.

Order pronounced on 4th, September-2024 at Chennai.

Sd/-

(एबी टी. वर्की)

(ABY T VARKEY)

न्यायिक सदस्य / Judicial Member

Sd/-

(अमिताभ शुक्ला)

(AMITABH SHUKLA)

लेखा सदस्य /Accountant Member

चेन्नई/Chennai, दिनांक/Dated: 4th, September-2024.

KB/-

आदेश की प्रतिलिपि अग्रेषित/Copy to:

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकर आयुक्त/CIT - Coimbatore
4. विभागीय प्रतिनिधि/DR
5. गार्ड फाईल/GF