

आयकर अपीलीय अधिकरण, हैदराबाद पीठ में  
**IN THE INCOME TAX APPELLATE TRIBUNAL  
HYDERABAD BENCHES “B” , HYDERABAD**

**BEFORE SHRI K. NARASIMHA CHARY, JUDICIAL MEMBER  
AND  
SHRI MADHUSUDAN SAWDIA, ACCOUNTANT MEMBER**

ITA No.662/Hyd/2024		
Assessment Year: 2015-16		
Sarfraz Alam Tabraiz, Hyderabad.  PAN : ADUPT6123E  (Appellant)	Vs.	The Income Tax Officer, Ward – 8(1), Hyderabad.  (Respondent)
Assessee by:	Smt. S. Sandhya, Advocate	
Revenue by:	Shri D. Praveen, Sr. AR.	
Date of hearing:	10.09.2024	
Date of pronouncement:	11.09.2024	

**ORDER**

**PER MADHUSUDAN SAWDIA, A.M.**

This appeal is filed by Mr. Sarfraz Alam Tabraiz (“the assessee”), feeling aggrieved by the order passed by the learned Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi (“Ld. CIT(A)”), dated 06.06.2024 for the A.Y. 2015-16.

2. The grounds raised by the assessee read as under :

“ 1) The order of the learned CIT (A) is erroneous both on facts and in law.

2) The learned CIT (A) erred in deciding the appeal ex-parte without providing opportunity to the appellant;

3) The learned CIT (A) ought to have considered the fact that the assessment order is for the assessment year 2015-16 and the relevant financial year was 2014-15 and, therefore, the learned CIT (A) ought to have provided opportunity before deciding the appeal;

4) The learned CIT (A) erred in dismissing the appeal without considering the issues on merit;

5) The learned CIT (A) ought to have seen that the notices u/s 148A and 148 were not properly issued and, therefore, they are not valid;

6) The Assessing Officer ought to have held that the deposit made into the bank account of Rs.93,07,325/- is properly explained and, therefore, is not taxable ;

7) The learned CIT (A) ought to have deleted the addition made of Rs.16,90,000/- representing the payments made to Alies Blue Services

8) The learned CIT (A) erred in dismissing the appeal without considering the issues on merit;

9) The learned CIT (A) erred in confirming the action of the Assessing Officer in charging interest u/s 234A of Rs.33,26,731/- and u/s 234B of Rs40,36,932/-“

3. Brief facts of the case are that the assessee, who is an individual, had not filed his return of income for A.Y. 2015-16. Based on information from the Insight Portal's "Non-filing of Return" category, it was observed by the learned Assessing Officer (“Ld. AO”) that, the assessee made substantial financial

transactions, including cash deposits in bank of Rs. 71,25,594/-, sale of shares along with options in securities amounting to Rs. 1,94,00,849/-, purchase of shares amounting to Rs. 13,67,487/-, transactions with Max New York Life Insurance amounting to Rs. 27,41,32,570/-, and interest receipts of Rs. 1,40,797/-, which remained unexplained. Consequently, the Ld.AO issued the notice u/s 148 and u/s 142(1) of the income tax Act,1961("the Act") to the assessee. However the assessee only made part compliance to the notices. Finally on 02.03.2024, the Ld. AO completed the assessment under Section 147 r.w.s. 144 r.w.s. 144B, making additions of Rs. 93,07,325/- as unexplained money u/s 69A of the Act, Rs. 1,40,797/- as income from other sources and Rs. 16,90,000/- as unexplained expenditure u/s 69C of the Act.

4. Feeling aggrieved by the order passed by the Ld. AO, assessee filed appeal before the Ld. CIT(A). Before the ld.CIT(A), the assessee sought adjournments, however, the ld.CIT(A) without giving any adjournment, dismissed the appeal of the assessee.

5. Feeling aggrieved with the order of Ld. CIT(A), the assessee is now in appeal before us, contending that the revenue authorities did not provide sufficient opportunity to the assessee to submit the necessary documents/evidences to prosecute his case. It is further contended that the revenue authorities passed the order without providing proper opportunity. The Ld. AR further submitted that the assessee does not stand to gain by

allowing the appeal to be disposed of without any documentary evidence being produced and it is only due to the reasons beyond the control of the assessee, the assessee could not produce the necessary documents/evidences to prosecute his case. By consolidating all the grounds, he further submitted that given an opportunity, the assessee is now ready to produce all such details and conduct the proceedings diligently and get the matter disposed of on merits.

6. Per contra, Ld. DR placed heavy reliance on the orders of the authorities below, and submitted that sufficient opportunity has already been given by the authorities, but the assessee failed to avail the same. He opposed the grant of further opportunity to the assessee.

7. We have heard the rival contentions and also gone through the record in the light of the submissions made on either side. It could be seen from the orders of the revenue authorities that in spite of many opportunities given, the assessee failed to substantiate his case by providing necessary documentary evidence, which resulted in passing the orders without consideration thereof. It is a fact that the assessee does not stand to gain by not producing such documents. Be that as it may, now the assessee is ready to produce all such documentary evidence in support of his contentions and get the matter disposed of on merits. The highest

that would happen by allowing an opportunity to the assessee is that a cause would be decided on merits. With this view of the matter, we are of the view that fresh opportunity should be given to the assessee and, accordingly, we set aside the impugned order and restore the issue to the file of the Ld. AO for passing a fresh order on merits after affording the opportunity of hearing to the assessee. Grounds of appeal are answered accordingly.

8. In the result, the appeal of the assessee is allowed for statistical purpose.

Order pronounced in the Open Court on 11<sup>th</sup> September, 2024.

Sd/-  
**(K. NARASIMHA CHARY)**  
**JUDICIAL MEMBER**

Sd/-  
**(MADHUSUDAN SAWDIA)**  
**ACCOUNTANT MEMBER**

Hyderabad,  
Dated 11<sup>th</sup> September, 2024.

\* *TYNM, Sr.P.S.*

Copy to:

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2	Income Tax Officer, Ward – 8(1), Hyderabad.
3	Prl.CIT, Hyderabad.
4	DR, ITAT Hyderabad Benches
5	Guard File

*By Order*