

IN THE INCOME TAX APPELLATE TRIBUNAL
PUNE BENCH "SMC", PUNE

BEFORE SHRI INTURI RAMA RAO, ACCOUNTANT MEMBER

आयकर अपील सं. / ITA No.1557/PUN/2024

निर्धारण वर्ष / Assessment Year : 2017-18

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| Anoop Gopikishan Jaju, C/o. Gajlaxmi Steel P. Ltd., Addl. MIDC Area, Jalna 431 203, Maharashtra PAN : AEJPJ0360B | Vs. | ITO, Ward-1, Jalna |
| Appellant | | Respondent |

Assessee by : None
Revenue by : Shri B.S. Rajpurohit
Date of hearing : 18.09.2024
Date of pronouncement : 18.09.2024

आदेश / ORDER

PER INTURI RAMA RAO, AM:

This is an appeal filed by the assessee directed against the order of Addl/JCIT(A), Indore dated 10.06.2024 passed u/s.250 of the Income-tax Act, 1961 (hereinafter also called 'the Act') for the assessment year 2017-18.

2. Brief facts of the case are that the appellant is an individual and Director in M/s. Gajlaxmi Steel Pvt. Ltd. He is deriving profit from a partnership firm M/s. Raghuveer Steels. The Return of Income for the A.Y. 2017-18 was filed by the appellant on 25.03.2018 claiming loss of Rs.2,69,825/- under the head 'Income from Other Sources and disclosing Agricultural Income of Rs.16,83,172/-. The case was selected for Limited Scrutiny through CASS. Statutory notices u/s.143(2)/142(1) were issued to the appellant to which the appellant

furnished the requisite information. Against the said return of income, the Assessing Officer (AO) vide order dated 06.12.2019 completed the assessment u/s.143(3) of the Act at a total income of Rs.21,82,440/-. While doing so, the AO brought to tax an amount of Rs.24,52,261/- u/s.57 of the Act, being excess claim of interest expenditure.

3. Being aggrieved by the above assessment, an appeal was filed before the Addl/JCIT(A)/NFAC who vide impugned order dismissed the appeal *in limine* for non-prosecution.

4. Being aggrieved, the appellant is in appeal before the Tribunal in the present appeal.

5. When the appeal was called on, none appeared on behalf of the appellant despite due service of notice of hearing. I therefore, proceed to dispose of the appeal *ex parte* after hearing the Id. Departmental Representative.

6. I heard the Id. Sr. DR and perused the material on record. On mere perusal of contents of para Nos.5 and 5.1 of the impugned order, it would reveal that the Id. Addl/JCIT(A)/NFAC without discussing anything on merits of the above addition by the Assessing Officer, simply dismissed the appeal *in limine*, which is contrary to settled position of law. It is a trite law that the CIT(A) should have dealt with the merits of the issues in appeal, even in the case of an *ex-parte* order. In this regard, reference is being made to a decision of the Hon'ble Bombay High Court in the case of *Pr.CIT(Central) Vs. Premkumar Arjundas Luthra (HUF) Bombay*/[2017] 297 CTR 614 (Bombay) wherein it was held that CIT(A) is obliged to dispose of the appeal on merits. Therefore, I deem it proper to remit the matter to the file of Addl/JCIT(A)/NFAC for *de novo* disposal of the issues in appeal on

merits afresh after allowing reasonable opportunity to the appellant, in accordance with law. I order accordingly.

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

Order pronounced on this 18th day of September, 2024.

Sd/-
(INTURI RAMA RAO)
ACCOUNTANT MEMBER

पुणे / Pune; दिनांक / Dated : 18th September, 2024.

Satish

आदेश की प्रतिलिपि अग्रेषित / Copy of the Order forwarded to :

1. अपीलार्थी / The Appellant.
2. प्रत्यर्थी / The Respondent.
3. The Pr. CIT concerned.
4. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, "SMC" बेंच, पुणे / DR, ITAT, "SMC" Bench, Pune.
5. गार्ड फ़ाइल / Guard File.

आदेशानुसार / BY ORDER,

// True Copy //

Senior Private Secretary
आयकर अपीलीय अधिकरण, पुणे / ITAT, Pune.