

आयकर अपीलीय अधिकरण, चण्डीगढ़ न्यायपीठ "बी", चण्डीगढ़
IN THE INCOME TAX APPELLATE TRIBUNAL, CHANDIGARH BENCH "B", CHANDIGARH

HEARING THROUGH: PHYSICAL MODE

श्री विक्रम सिंह यादव, लेखा सदस्य एवं श्री परेश म. जोशी, न्यायिक सदस्य
BEFORE: SHRI. VIKRAM SINGH YADAV, AM & SHRI. PARESH M. JOSHI, JM

आयकर अपील सं. / ITA NO. 127/Chd/2024
निर्धारण वर्ष / Assessment Year : 2017-18

Shree Mangal Ram Roller Flour Mills C/o Rajiv Goel and Associates, 179, Bank Road, Ambala Cantt	बनाम	The ITO Ward -4 Ambala
स्थायी लेखा सं. / PAN NO: ABSFS3927M		
अपीलार्थी/ Appellant		प्रत्यर्थी/ Respondent

निर्धारित की ओर से/ Assessee by : Shri Dhruv Goel, C.A
राजस्व की ओर से/ Revenue by : Shri Vivek Nangia, CIT DR
सुनवाई की तारीख/ Date of Hearing : 04/09/2024
उद्घोषणा की तारीख/ Date of Pronouncement : 13/09/2024

आदेश/Order

PER VIKRAM SINGH YADAV, A.M. :

This is an appeal filed by the Assessee against the order of the Ld. CIT(A)/NFAC, Delhi dt. 14/12/2023 pertaining to Assessment Year 2017-18.

2. The main grievance of the assessee in the present appeal relates to the ex-parte order passed by the Ld. CIT(A)/ NFAC, Delhi in violation of principles of natural justice.

3. Brief facts of the case are that the assessee is a partnership firm engaged in the running of roller floor mill. The assessee e- filed its return declaring taxable income of Rs. 2,61,810/- for the A.Y. 2017-18 on 30/10/2017. Later on, the case was selected for complete scrutiny under CASS. Thereafter, notice under section 143(2) of the Act was issued on 06/09/2018 and served upon the assessee electronically. The AO stated that the assessee deposited cash amounting to Rs. 75,50,000/- during demonetization period and the assessee was asked to explain the source of cash deposit during demonetization period. In response,

the assessee filed its reply which was considered but not found fully acceptable to the AO and out of Rs 75.50 lacs, Rs 61.30 lacs was treated as unexplained and brought to tax in the hands of the assessee and the assessed income was determined at Rs. 63,91,810/- by the AO.

4. Being aggrieved, the assessee carried the matter in appeal before the Ld. CIT(A) who has since sustained the addition made by the Assessing Officer by passing an ex-parte order.

5. Now the assessee is in appeal before us.

6. The Ld. Counsel for the Assessee submitted that Ld. CIT(A) was not justified in passing the ex-parte order and confirming arbitrary addition made by the Assessing Officer. It was submitted that the notices were sent on the old email id which was no more in use and different then the email id given in Form 35 for receiving the notices, hence, the notices were not served on the assessee resulting in passing of ex-parte order. It was submitted that the assessee doesn't stand to benefit from non-attending to the notices and proceedings before the Id CIT(A) and the assessee be provided an opportunity to represent its case on merits and the matter may accordingly be set-aside to the file of the Id CIT(A).

7. In his rival submissions, the Ld. Sr. DR supported the orders of the authorities below. At the same time, it was fairly submitted that the Revenue has no objection where the matter is set-aside to the file of the Id CIT(A) to decide the same on merits of the case.

8. We have considered the submissions of both the parties and perused the material available on the record. In the present case, the notices were sent on the old email id of the assessee which was not in use and different than the email id stated in Form 35 for sending the notices as so submitted by the assessee in its affidavit and contents thereof have not been disputed by the

Revenue resulting in passing of the ex-parte order passed by the Id CIT(A). keeping in view the principles of natural justice, we believe that the assessee deserve one more opportunity to represent its case and deem it appropriate to set aside the case back to the file of Ld. CIT(A) to be adjudicated afresh in accordance with law after providing due and reasonable opportunity of being heard to the assessee. Needless to say, the assessee shall co-operate in timely completion of the appellate proceedings and submitted necessary information/documentation as so advised and/or called for.

9. In the result, appeal of the Assessee is allowed for statistical purposes.

Order pronounced in the open Court on 13/09/2024.

Sd/-

परेश म. जोशी
(PARESH M. JOSHI)
न्यायिक सदस्य / JUDICIAL MEMBER

Sd/-

विक्रम सिंह यादव
(VIKRAM SINGH YADAV)
लेखा सदस्य/ ACCOUNTANT MEMBER

AG

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

1. अपीलार्थी/ The Appellant
2. प्रत्यर्थी/ The Respondent
3. आयकर आयुक्त/ CIT
4. आयकर आयुक्त (अपील) / The CIT(A)
5. विभागीय प्रतिनिधि, आयकर अपीलीय आधिकरण, चण्डीगढ़/ DR, ITAT, CHANDIGARH
6. गार्ड फाईल/ Guard File

आदेशानुसार/ By order,
सहायक पंजीकार/ Assistant Registrar