

**THE INCOME TAX APPELLATE TRIBUNAL,
'B' BENCH, KOLKATA**

**Before Dr. Manish Borad, Accountant Member
&
Shri Sonjoy Sarma, Judicial Member**

**I.T.A. No. 1557/KOL/2024
Assessment Year: 2014-2015**

***Sri Tapan Kumar Sahoo,.....Appellant
C/o. M/s. Salarpuria Jajodia & Co.,
7, C.R. Avenue, 3rd Floor,
Kolkata-700072
[PAN:CAPPS8690K]***

-Vs.-

***Income Tax Officer,.....Respondent
Ward-27(2), Haldia,
Basudevpur, P.O. Khanjan Chak,
Haldia, Purba Medinipur-721602***

Appearances by:

Shri S. Jhajhari, A.R., appeared on behalf of the assessee

*Shri P.P. Barman, Addl. CIT, appeared on behalf of the
Revenue*

Date of concluding the hearing: October 01, 2024

Date of pronouncing the order: October 01, 2024

O R D E R

Per Sonjoy Sarma, Judicial Member:-

The present appeal is directed at the instance of assessee against the order of Id. Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi dated 17th May, 2024 passed under section 250 of the Income Tax Act, 1961 in Assessment Year 2014-15.

2. The facts of the case are that the appellant originally filed his return of income on 13.12.2014 declaring total income of Rs.4,36,380/-. A survey operation was conducted in the business premises of the appellant on 09.03.2017 and during which it was revealed that the appellant was also earning income from the business of plying of vehicles during the year, which was not declared. Further the appellant was found to have purchased properties during the year, the source of which was not ascertainable from the return of income. Based on this information, the case of the appellant was reopened and a notice under section 148 of the Income Tax Act was issued on 11.07.2017. However, the appellant did not properly comply with this notice and subsequent notices were also not responded by the appellant. Therefore, the ld. Assessing Officer made the following additions in the assessment order:-

(i)	Addition on account of substantial amount received from the appellant's father	Rs. 6,00,000/-
(ii)	Addition on account of unexplained unsecured loan	Rs.15,02,000/-
(iii)	Addition on account of unsubstantial fresh sundry creditors	Rs. 4,00,454/-
(iv)	Addition on account of unexplained sources of initial purchase of four vehicles	Rs.20,80,600/-

Thus, the total income of the appellant was assessed at Rs.50,19,530/-. Aggrieved by the order of ld. Assessing Officer, the appellant filed an appeal before the ld. CIT(Appeals). However, due

to non-compliance with various notices and hearings, the appeal was dismissed as an *ex-parte* order against the assessee.

3. The appellant has now approached this Tribunal raising multiple grounds of appeal. The appellant contended that the order passed by the ld. CIT(Appeals) is *ex-parte* order and without properly considering the merits of the case. Therefore, it has been requested that the matter may be remanded back to ld. CIT(Appeals) for fresh consideration. The appellant has filed an affidavit stating the reasons for non-compliance before the ld. CIT(Appeals). It is claimed that the appellant was suffering from severe health issues from 17.01.2021 and was indisposed due to illness till July, 2024. It was only after this period that the appellant was able to resume his business activities. The appellant has ascertained that non-compliance was beyond his control and there was no intention of deliberately disregarding the notices issued by the ld. CIT(Appeals). The appellant has prayed before the Tribunal that non-compliance of the notices may be condoned and the matter may be remanded back to ld. CIT(Appeals) for proper hearing. The appellant has also given an undertaking that he will fully comply with all notices and will not fail to appear before the ld. CIT(Appeals) if an opportunity is given to him to represent his case.

4. On the other hand, ld. D.R. opposed the appellant's prayer. The ld. D.R. submitted that the appellant had been provided ample opportunities to represent his case before the ld. CIT(Appeals) on various dates including 18.02.2021, 16.02.2024, 12.03.2024 and

06.05.2024. The ld. D.R. argued that although the appellant was suffering from severe illness, he could have appointed ld. Counsel or Authorized Representative to attend the hearings on his behalf. Therefore, ld. D.R. requested that the appeal may be dismissed.

5. After hearing the rival submissions and perusing the material available on record, we find that although the ld. CIT(Appeals) issued notices, the appellant was unable to appear due to illness for a considerable period, as a result, the appeal was heard *ex-parte* without considering the merits of the case. In the interest of justice, it is deemed appropriate to remand the matter back to ld. CIT(Appeals) with a direction to examine the issues afresh and provide the appellant with a fair opportunity to present his case. The appellant is also directed to comply with all the notices and appear before the ld. CIT(Appeals) as and when required.

6. In terms of the above, the appeal of the assessee is allowed for statistical purposes.

Order pronounced in the open Court on 01/10/2024.

Sd/-	Sd/-
(Manish Borad)	(Sonjoy Sarma)
Accountant Member	Judicial Member
Kolkata, the 1st day of October, 2024	

*Copies to :(1) Sri Tapan Kumar Sahoo,
C/o. M/s. Salarpuria Jajodia & Co.,
7, C.R. Avenue, 3rd Floor, Kolkata-700072*

- (2) *Income Tax Officer,
Ward-27(2), Haldia,
Basudevpur, P.O. Khanjan Chak,
Haldia, Purba Medinipur-721602*
- (3) *Commissioner of Income Tax (Appeals),
National Faceless Appeal Centre (NFAC),
Delhi;*
- (4) *CIT - , Kolkata;*
- (5) *The Departmental Representative;*
- (6) *Guard File*

TRUE COPY

By order

*Assistant Registrar,
Income Tax Appellate Tribunal,
Kolkata Benches, Kolkata*

Laha/Sr. P.S.