

**IN THE INCOME TAX APPELLATE TRIBUNAL
“SMC” BENCH, AHMEDABAD
BEFORE DR. BRR KUMAR ACCOUNTANT MEMBER**

**ITA No.1358/Ahd/2024
Asstt.Year : 2010-11**

Bharatkumar Kantiji Thakor 113-1, Koteswar Gam Vadvalo Vas Motera Gam Gandhinagar. PAN : AKGPT 9389 P	Vs	ITO, Ward-1 Gandhinagar.
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(Applicant)		(Responent)
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Assessee by :	Shri Parin Shah, CA
Revenue by :	Shri Ravindra, Sr.DR

सुनवाई की तारीख/**Date of Hearing** : 07/10/2024
घोषणा की तारीख /**Date of Pronouncement**: 07/10/2024

आदेश/ORDER

This is assessee's appeal against the order of the Id.Commissioner of Income Tax (Appeal), National Faceless Appeal Centre (NFAC), Delhi dated 14.05.2024 for the Asst.Year 2010-11 passed under section 250 of the Income Tax Act, 1961 ("the Act" for short).

2. The grounds raised by the assessee in the appeal are as under:

1. *The order passed by lower authorities is bad in law and required to be quashed.*
2. *The reopening of assessment u/s 148 is bad in law as same has been done for verification purpose only for making fishing and roving inquiries.*
3. *The reopening of assessment u/s 148 is bad in law as same has been done without recording escapement of income.*
4. *The reopening of assessment u/s 148 is bad in law as same has been reopened beyond period of 4 years from the end of assessment year without recording satisfaction of failure on part of appellant to disclose fully and truly material facts.*
5. *Ld. NFAC erred in law and on facts in confirming addition of Rs.13.54,783/- as unexplained money u/s 69A of the Act.*

6. *Ld. NFAC erred in law and on facts in confirming addition of Rs.2,66,566/- on account of capital gain by replacing cost of acquisition without referring the same to valuation officer.*
7. *Ld. NFAC erred in law and on facts in confirming addition of Rs.1,25,765/- by treating investment made as unexplained investment.*
8. *Ld. NFAC erred in law and on facts in confirming addition of Rs.72,153/- by invoking section 56(2)(vii)(b) of the Act.*
9. *The order passed by NFAC is in violation of section 250(6) of the Act and accordingly, same may be set aside to adjudicate on merits.*
10. *Charging of Interest u/s 234A,234B,234C & 234D are unjustified.*
11. *Initiation of penalty proceedings u/s 271(l)(c) is unjustified.*

3. On through the order of the Id.CIT(A) it is found that the appeal of the assessee has been summarily dismissed without adjudicating the issue on merits. Hence, in the fitness of things, the case is hereby remanded back to the AO for adjudicating the issue afresh. In the set aside proceedings, the assessee shall co-operate with the Revenue authorities and shall not seek unnecessary adjournment.

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

Dictated on the Open Court, typed and pronounced on 7th October, 2024.

Copy of this order be given to the assessee. The Registry is directed to dispatch as per procedure.

Sd/-
(DR. BRR KUMAR)
ACCOUNTANT MEMBER

Ahmedabad, dated 07/10/2024

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