

**IN THE INCOME TAX APPELLATE TRIBUNAL
COCHIN BENCH, COCHIN**

Before Shri Satbeer Singh Godara, Judicial Member and
Shri Amarjit Singh, Judicial Member

ITA No. 167/Coch/2024
(Assessment Year: 2017-18)

Melattur Service Co-op. Bank Ltd. Melttur P.O. Malapuram 679326 [PAN: AACAM8880H]	vs.	The Income Tax Officer Ward - 4, Tirur
(Appellant)		(Respondent)

Appellant by:	Ms. Swathi S., Advocate
Respondent by:	Smt. V. Swarnalatha, Sr. D.R.

Date of Hearing:	16.08.2024
Date of Pronouncement:	25.09.2024

ORDER

Per Bench

This assessee's appeal for A.Y. 2017-18 arises against the National Faceless Appeal Centre, Delhi [CIT(A)]'s DIN & Order No. ITBA/ NFAC/S/250/2023-24/1059652779(1) dated 12.01.2024 in proceedings u/s. 250 of the Income Tax Act, 1961 (the Act).

Case called twice. None appears at assessee's behest. We accordingly proceed exparte.

2. We notice with the able assistance coming from the Revenue side that both the learned lower authorities have made section 69 r.w.s 115 unexplained investment addition of Rs.1,25,33,000/- as well as recomputed business income by disallowing/ adding various heads of depreciation, etc. to the tune of Rs.1,02,66,994/-; respectively thereby assessing its total income to Rs.22,76,699/-. The learned Sr. DR

further invited our attention to the CIT(A)'s detailed discussion indicating in pages 6 to 8 that although the assessee had filed some documents as additional evidence the same have been found to be not admissible in tune with rule 46A of the I.T. Rules, 1962.

3. The assessee, on the other hand, claims that both the foregoing disallowances/additions could not have been made in its hands once it is entitled for section 80P deduction.

4. We note in this factual backdrop that the learned assessing authority framed its assessment on 20.12.2019, i.e. almost during the outbreak of Covid-19 pandemic. Meaning thereby some communication gap could not be all together ruled out which indeed forms reasonable cause for the assessee in not been able to file the relevant details before the Assessing Officer. It is further come on record that it has submitted additional documents/evidences in the course of lower appellate proceedings (supra). We thus deem it a fit case to restore the issue back to the Assessing Officer in this peculiar facts and circumstances that the assessee deserves one more innings so as to explain its case effectively. We make it clear that the assessee shall plead and prove all the relevant facts including KYC compliance, if necessary, before the AO within three effective opportunities of being heard in the consequential proceedings. Ordered accordingly.

5. This assessee's appeal is allowed for statistical purposes.

Order pronounced in the open court on 25th September, 2024.

Sd/-
(Amarjit Singh)
Accountant Member

Sd/-
(Satbeer Singh Godara)
Judicial Member

Cochin, Dated: 25th September, 2024.

n.p.

Copy to:

1. The Appellant
2. The Respondent
3. The Pr. CIT concerned
4. The Sr. DR, ITAT, Cochin
5. Guard File

By Order

Assistant Registrar
ITAT, Cochin