

आयकर अपीलीय अधिकरण, हैदराबाद पीठ
IN THE INCOME TAX APPELLATE TRIBUNAL
Hyderabad 'SMC' Bench, Hyderabad

Before Shri INTURI RAMA RAO. Accountant Member

आ.अपी.सं / **ITA No.1018/Hyd/2024**
(निर्धारण वर्ष / Assessment Year: 2017-18)

Shri Sunil Jayantilal Sachdev Hyderabad PAN:AVFPS5205H	Vs.	Income Tax Officer Ward 4 (1) Hyderabad
(Appellant)		(Respondent)
निर्धारिती द्वारा / Assessee by:	Shri S. Rama Rao, Advocate	
राजस्व द्वारा / Revenue by:	Shri Aravindakshan, DR	
सुनवाई की तारीख / Date of hearing:	06 / 11 / 2024	
घोषणा की तारीख / Pronouncement:	06 / 11 / 2024	

आदेश/ORDER

This appeal filed by the assessee is directed against the order dated 30/08/2024 of the learned CIT (A)-NFAC Delhi, relating to A.Y.2017-18.

2. The brief facts of the case are that the assessee is an individual, had not filed his return of income for the A.Y under consideration u/s 139 (1) of the I.T. Act, 1961. The Assessing Officer on receipt of information that the appellant had made cash deposits in the Bank Account maintained with AXIS Bank during the demonetization period, issued notice u/s 142(1) of the

I.T. Act, 1961 and calling upon the appellant to file return of income. The appellant neither complied with the notices nor appeared before the Assessing Officer. Under the circumstances, the Assessing Officer was constrained to complete the "Best Judgement Assessment" u/s 144, by bringing to tax cash deposits as unexplained income of Rs.37,12,324/-.

3. Being aggrieved, the assessee preferred an appeal before the learned CIT (A) who, vide impugned order, while confirming the action of the Assessing Officer, however, directed the Assessing Officer to adopt the correct figure of the cash deposits. Accordingly, the learned CIT (A) set aside the matter to the Assessing Officer.

4. Being aggrieved, the assessee is in appeal before the Tribunal.

5. The learned Counsel for the assessee submitted that the assessee had filed detailed explanation as to the source of the cash deposits into AXIS Bank and the learned NFAC without adverting to the submissions and evidences submitted by the assessee merely confirmed the action of the Assessing Officer. Thus, the learned Counsel for the assessee prayed that the matter may be remanded back to the file of the Assessing Officer for proper verification of the evidence and de novo assessment for which the learned DR has no serious objection. Hence, I set aside

the matter back to the file of the Assessing Officer for proper verification of the evidences filed by the assessee before the learned CIT (A) after affording reasonable opportunity of being heard to the assessee.

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

Order pronounced in the Open Court on 6th November, 2024.

Sd/-

(INTURI RAMA RAO)
ACCOUNTANTMEMBER

Hyderabad, dated 6th November, 2024.

Vinodan/sps

Copy to:

S.No	Addresses
1	Shri Sunil Jayantilal Sachdev, 3-6-175, Hyderguda, Hyderabad 500029
2	Income Tax Officer Ward 4(1) Hyderabad
3	Pr. CIT – Hyderabad
4	DR, ITAT Hyderabad Benches
5	Guard File

By Order