

आयकर अपीलीय अधिकरण “सी” न्यायपीठ चेन्नई में।
IN THE INCOME TAX APPELLATE TRIBUNAL
“C” BENCH, CHENNAI

माननीय श्री महावीर सिंह, उपाध्यक्ष एवं
माननीय श्री मनोज कुमार अग्रवाल, लेखक सदस्य के समक्ष।
BEFORE HON’BLE SHRI MAHAVIR SINGH, VP AND
HON’BLE SHRI MANOJ KUMAR AGGARWAL, AM

आयकर अपील सं. ITA No.1129/Chny/2024
(निर्धारण वर्ष / Assessment Year: 2011-12)

Shri Kovalam Santhanakrishnan Mohan Flat No.4/B Block -24 & 25, Swarg Apartments, P.T.Rajan Salai, K.K.Nagar, Chennai-600 078.	बनम/ Vs.	ITO, Ward-1, Ooty.
स्थायी लेखासं./जीआइआरसं./PAN/GIR No. AMNPM-3778-N		
(पीलार्थी/ Appellant)	:	(प्रत्यर्थी / Respondent)

अपीलार्थीकी ओरसे/ Appellant by	:	Shri Harhavardhan (Advocate)-Ld. AR
प्रत्यर्थीकी ओरसे/ Respondent by	:	Ms.R.Anita (Addl.CIT)-Ld. DR

सुनवाईकी तारीख/Date of Hearing	:	28-08-2024
घोषणाकी तारीख /Date of Pronouncement	:	06-11-2024

आदेश / O R D E R

Manoj Kumar Aggarwal (Accountant Member)

1. Aforesaid appeal by assessee for Assessment Year (AY) 2011-12 arises out of the order of learned Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi [CIT(A)] dated 20-02-2024 in the matter of an assessment framed by Ld. Assessing Officer [AO] u/s. 148 r.w.s 144 of the Act on 03-12-2019. The sole grievance of the assessee is confirmation of addition of Rs.69.93 Lacs on account of opening stock. Having heard rival submissions, the appeal is disposed-off as under.

2. Upon perusal of assessment order, it could be seen that the assessee is engaged in real estate business. The assessee did not e-verify its return of income and accordingly, the same was treated as invalid return. In this return, the assessee returned opening stock of Rs.69.93 Lacs. However, in the return of income filed for AY 2010-11, the closing stock was reflected as 'nil' and accordingly, the said amount was added to the income of the assessee. The assessee failed to file any submissions during assessment proceedings.

3. During appellate proceedings, the assessee submitted that there was data entry return error and therefore, the return was not e-verified. However, not convinced, Ld. CIT(A) confirmed the stand of Ld. AO against which the assessee is in further appeal before us.

4. The Ld. AR has pleaded for another opportunity to present proper factual position before lower authorities which has been opposed by Ld. Sr. DR.

5. Keeping in mind the principle of natural justice, we deem it fit to grant another opportunity to the assessee to substantiate its case before lower authorities. Accordingly, the impugned order is set aside and the assessment is restored back to the file of Ld. AO for de novo assessment with a direction to the assessee to substantiate its case.

6 The appeal stand allowed for statistical purposes.

Order pronounced on 06th November, 2024.

Sd/-
(MAHAVIR SINGH)
उपाध्यक्ष / **VICE PRESIDENT**

Sd/-
(MANOJ KUMAR AGGARWAL)
लेखा सदस्य / **ACCOUNTANT MEMBER**

चेन्नई Chennai; दिनांक Dated : 06-11-2024
DS

आदेशकीप्रतिलिपिअग्रेषित/Copy of the Order forwarded to :

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकरआयुक्त/CIT Madurai /Chennai
4. विभागीयप्रतिनिधि/DR
5. गार्डफाईल/GF