

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

**Before Shri Satbeer Singh Godara, Judicial Member &
Shri Amarjit Singh, Accountant Member**

ITA No.858/Coch/2023 : Asst.Year 2014-2015
SA No.194/Coch/2023

Hotel Sea Pearl 1 NTV Nagar, Kadappakkada Kollam – 691 008. PAN : AAHFH2252A.	v.	The Assistant Commissioner of Income-tax, Circle – 1 Kollam.
(Appellant/Applicant)		(Respondent)

Appellant/Applicant by : Sri.Anil D.Nair, Advocate
Respondent by : Smt.V.Swarnalatha, Sr.DR

Date of Hearing : 16.08.2024	Date of Pronouncement : 23.10.2024
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ORDER

Per Bench :

This assessee's appeal in ITA No.858/Coch/2023 (alongwith its stay application SA No.194/Coch/2023 therein) for assessment year 2014-2015 arises out of the order of the Commissioner of Income-tax (Appeals) / NFAC vide DIN & Order No.ITBA/NFAC/S/250/2023-24/1054663420(1) dated 27.07.2023 in proceedings u/s.143(3) r.w.s. 147 of the Income-tax Act, 1961; in short "the Act" hereinafter.

Heard both the parties. Case files perused.

2. It emerges during the course of hearing that the CIT(A)/NFAC has noted the assessee's failure to plead and prove genuineness of unsecured loans of Rs.32,60,000/- right

from sec.143(3) scrutiny up-to lower appellate proceedings. Learned senior counsel submits that the assessee is very much ready with all the supportive material now; if granted an effective innings once more.

3. Learned Sr.DR could hardly dispute the clinching fact that the CIT(A)/NFAC's order has nowhere decided the assessee's substantive grounds on merits as contemplated u/sec.250(6) of the Act requiring it to give points for determination followed by a detailed adjudication thereof. Faced with the situation, we deem it appropriate in the larger interest of justice to restore the assessee's instant appeal back to the CIT(A)/NFAC for it's afresh adjudication, preferably within three effective opportunities of hearing, subject to the rider that it shall be the taxpayer's risk and responsibility only to file and prove all the relevant facts in consequential proceedings. Ordered accordingly.

4. Delay of 73 days in filing this appeal before the tribunal is condoned in light of assessee's solemn averments in it's condonation petition.

5. To sum up, this assessee's appeal ITA No.858/Coch/2023 is allowed for statistical purposes and it's stay application SA No.194/Coch/2023 is dismissed as rendered infructuous in above terms. A copy of the common order be placed in the respective case files.

Order pronounced in the open court on this 23rd day of
October, 2024.

Sd/-
(Amarjit Singh)
ACCOUNTANT MEMBER

Sd/-
(Satbeer Singh Godara)
JUDICIAL MEMBER

Cochin ; Dated : 23rd October, 2024

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Devadas G*

Copy to :

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

Asst.Registrar/ITAT, Cochin