

आयकर अपीलिय अधिकरण, 'बी' न्यायपीठ, चेन्नई
**IN THE INCOME TAX APPELLATE TRIBUNAL
'B' BENCH, CHENNAI**

श्री एस एस विश्वनेत्र रवि, न्यायिक सदस्य एवं श्री एस. आर. रघुनाथा, लेखा सदस्य के समक्ष
**BEFORE SHRI S.S. VISWANETHRA RAVI, HON'BLE JUDICIAL MEMBER
AND SHRI S. R. RAGHUNATHA, HON'BLE ACCOUNTANT MEMBER**

आयकर अपील सं./ITA No.: **2154/Chny/2024**
निर्धारण वर्ष / Assessment Year: 2019-20

S 241 Thirumalatpatty PACCS
Ltd.,
Thirumalaipatty,
Namakkal – 637 018.

Income Tax Officer,
v. Ward -1,
Namakkal.

[PAN: AAGAS-9202-D]

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से/Appellant by : Mr. T.S. Lakshmi Venkatraman, FCA
प्रत्यर्थी की ओर से/Respondent by : Ms. Gouthami Manivasagam, JCIT

सुनवाई की तारीख/Date of Hearing : 22.10.2024
घोषणा की तारीख/Date of Pronouncement : 23.10.2024

आदेश / O R D E R

PER S. R. RAGHUNATHA, ACCOUNTANT MEMBER:

This appeal filed by the assessee is directed against the order passed by the learned Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi, dated 05.07.2024 and pertains to assessment year 2017-18.

2. At the outset, the Id.AR for the assessee took us through the exparte order of the AO dated 18.01.2024 which has been passed u/s.147 r.w.s.144 of the Act, wherein the assessee is a primary agricultural co-operative credit society limited, had not filed return of income for the assessment year 2019-20. As per the information available in RMS formulated by CBDT under RMS – Non filing of return of income, notices were issued to assessee but not complied with. The department had issued a notices u/s.148, 142(1), SCN u/s.144 on various dates to the assessee by providing opportunities to provide the details for assessment. However, the assessee neither filed the return of income nor furnished the details for assessment. Since, the assessee did not participate in the assessment proceedings, the AO passed exparte order u/s.147 r.w.s. 144 of the Act, with the available details / information considering the entire cash deposit of Rs.35,89,112/- and Term deposits of Rs.40,00,000/- as unexplained money u/s. 69A of the Act and brought to tax. Aggrieved by the order of the AO, the assessee preferred an appeal before the Id.CIT(A), NFAC with a delay.

3. The Id.CIT(A) dismissed the appeal due to non-prosecution of the appeal by the assessee, even after providing many opportunities to the assessee by passing an order dated

09/07/2024. Aggrieved by the order of the Id.CIT(A), the assessee preferred an appeal before us.

4. The Id.AR for the assessee submitted that the assessee is a primary agricultural cooperative credit society and the AO and that of the Ld.CIT(A) have passed orders without the participation of the assessee and thereby prayed for providing one more opportunity by remanding the case to AO for denovo assessment.

5. Per contra, the Id.DR argued that the assessee was negligent and had not even filed a return of income even after issuing notices. Therefore, the appeal of the assessee deserves to be dismissed.

6. We have heard the rival contentions and gone through the materials available on record and orders of the authorities below. We note that the assessment order passed by the AO was exparte and the Id.CIT(A) also has dismissed the appeal without participation of the assessee in the appeal proceedings. Since, exparte order has been passed by the AO we deem it fit to set aside the order of the Id.CIT(A) and remit the matter back to the file of the AO by relying on the decision of the Hon'ble Supreme

Court in the case of Tin Box Company vs CIT, [2001] 249 ITR 216 (SC) and direct AO to denovo frame the order in accordance to law, after providing reasonable opportunity to the assessee. Needless to say, assessee to be diligent and file written submissions and relevant documents if advised so.

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

Order pronounced in the court on 23rd October, 2024 at Chennai.

Sd/-
(एस एस विश्वनेत्र रवि)
(S.S. VISWANETHRA RAVI)
न्यायिक सदस्य/**Judicial Member**

Sd/-
(एस. आर. रघुनाथा)
(S. R. RAGHUNATHA)
लेखा सदस्य/**Accountant Member**

चेन्नई/Chennai,

दिनांक/Dated, the 23rd October, 2024

JPV

आदेश की प्रतिलिपि अग्रेषित/Copy to:

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकर आयुक्त/CIT - Salem
4. विभागीय प्रतिनिधि/DR
5. गार्ड फाईल/GF