

आयकर अपीलीय अधिकरण 'ए' न्यायपीठ चेन्नई में।
IN THE INCOME TAX APPELLATE TRIBUNAL
'A' (SMC) BENCH, CHENNAI

माननीय श्री मनोज कुमार अग्रवाल, लेखा सदस्य एवं
माननीय श्री मनु कुमार गिरि, न्यायिक सदस्य के समक्ष।
BEFORE HON'BLE SHRI MANOJ KUMAR AGGARWAL, ACCOUNTANT MEMBER
AND HON'BLE SHRI MANU KUMAR GIRI, JUDICIAL MEMBER

आयकर अपील सं./ ITA No.2109/Chny/2024
(निर्धारणवर्ष / Assessment Year: 2017 -2018)

Kamalanathan,
91, Soullur Vill,
Paradesipatti,
Thirupattur,
Vellore 635 654.

Vs. The Income Tax Officer,
Ward I,
Vellore

[PAN: CTPK 7826E]

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से/ Appellant by

: Shri. T.S. Lakshmi Venkataraman, C.A.

प्रत्यर्थी की ओर से /Respondent by

: Shri. Ashwin D. Gowda, IRS, Addl. CIT.

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 MANU KUMAR GIRI (Judicial Member)

This appeal by the assessee is arising out of the order of the Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi in order No.ITBA/NFAC/S/250/2024-25/1066632389(1) dated 12.07.2024. The assessment was framed by the Income Tax Officer, Ward 1, Vellore for the assessment year 2017-18 u/s.147 r.w.s 144 of the Income Tax Act, 1961 (hereinafter the 'Act'), vide order dated 18.04.2023.

2. The Id. Assessing Officer based on information available on record found that the assessee has made cash deposits during the FY 2016-17 to the extent of Rs.1,88,31,144/- which includes cash deposits made during demonetization period to the extent of Rs.34,32,587/-. Hence, the assessee has to file the return of income for AY 2017-18 and has to explain the sources of cash deposits made during the F.Y. 2016-17 to the extent of Rs. 1,88,31,144/-. Subsequently, the assessment was re-opened u/s.147 of the IT Act, after getting approval from the Addl. Commissioner of income tax, Vellore range, Vellore. A notice u/s.148 was issued to the assessee on 23.06.2021. Further several notices were issued to the assessee by the Id. Assessing Officer, however there was no response from assessee. Hence, Id. Assessing Officer made an addition of Rs.24,80,720/- and completed the assessment.

3. Aggrieved assessee preferred an appeal before the Id.CIT(A), who dismissed the appeal of assessee on merits, although assessee failed to appear before the Id.CIT(A) despite eight notices. Assessee is in further appeal before us.

4. Ld. Counsel for the appellant submitted that the Id. AO as well as the Id. CIT(A) had not properly followed the principles of natural justice in true spirit. Ld. Counsel for the appellant further prayed that if an adequate opportunity of hearing is given before Id.AO, assessee will prosecute the case in assessment proceedings properly. Per contra, Id.Addl. CIT-DR relied upon the orders of the lower authorities and prayed for dismissal of appeal.

5. We have gone through the orders of lower authorities and submissions addressed by both parties before us. We are of the considered view that in the interest of justice assessee should be given one more opportunity before the Assessing Officer to prosecute his case. Therefore, in the light of aforesaid factual position we deem it fit to set aside this appeal to the file of Assessing Officer for denovo adjudication of appeal. The Assessing Officer who shall proceed for denovo adjudication of appeal after providing proper opportunity of hearing to the assessee. The assessee is directed to substantiate its case forthwith without any fail, failing which Assessing Officer shall be at liberty to proceed with the assessment as per law.

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

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

Sd/-

(मनोज कुमार अग्रवाल)

(MANOJ KUMAR AGGARWAL)

लेखा सदस्य / ACCOUNTANT MEMBER न्यायिक सदस्य / JUDICIAL MEMBER

चेन्नई Chennai:

दिनांक Dated : 23-10-2024

KV

आदेश की प्रतिलिपि अग्रेषित /Copy to :

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

Sd/-

(मनु कुमार गिरि)

(MANU KUMAR GIRI)