

**आयकर अपीलीय अधिकरण 'ए' न्यायपीठ चेन्नई में।
IN THE INCOME TAX APPELLATE TRIBUNAL
'A' 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.2077/Chny/2024
(निर्धारणवर्ष / Assessment Year: 2017-2018)**

Jeyasekaran Balaji,
126E, Main road,
Nanni Ammal Pettai,
Dindigul 624 001.

Vs. The Income Tax Officer,
Ward 1,
Dindigul.

[PAN: AEGPB 9710G]

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से/ Appellant by
प्रत्यर्थी की ओर से /Respondent by

: Shri B. Agnus Jennifer, Advocate
Shri Ashwin D Gowda, IRS, Addl. CIT.

सुनवाई की तारीख/Date of Hearing : 21.10.2024

घोषणा की तारीख /Date of Pronouncement : 23.10.2024

आदेश / ORDER

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/250/2024-25/1065441098 (1) dated 06.06.2024. The assessment was framed by the Additional /Joint/Deputy /Assistant Commissioner of Income Tax, National Faceless Assessment Centre, Delhi for the assessment year 2017-18 u/s.147 r.w.s. 144 r.w.s.144B of the Income Tax Act, 1961 (hereinafter 'the Act'), vide order dated 21.03.2022.

2. The brief facts of the case are that assessee is an individual and he is a non-filer of Return of Income. However, the Department was in possession of the information that the F.Y. 2016-17 relevant to A.Y. 2017-18, that the appellant had deposited cash in Current Account to the tune of Rs. 1,20,20,651/- and also sold immovable property of Rs. 55,00,000/-. Hence, the case was reopened by issue of notice u/s. 148 of the Act dated 29.03.2021. During the course of assessment proceedings, the appellant failed to substantiate by filing documentary evidences to support cash deposits and in respect to other additions. The AO completed assessment u/s. 147 rws 144 on 21.03.2022, after making the following disallowances :-

- i Treating cash withdrawal as unaccounted and unexplained income u/s. 69A of the Act Rs. 1,12,20,654/-.*
- ii Disallowance of claim of LTCG exemption u/s. 54 in the absence of documentary evidences Rs. 38,12,500/-.*
- iii Commission Income on which TDS deducted u/s. 194D Rs.2240.*
- iv Income as per computation furnished by the appellant during the course of the assessment Rs.4,19,533/-.*

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 five notices issued. Now, the assessee is in further appeal before us.

4. At the outset, Ld. Counsel for the appellant submitted that Ld. CIT(A) had not properly followed the principles of natural justice in true spirit. Ld.CIT(A) issued notices which were inadvertently not noticed by the assessee. Ld. Counsel for the appellant further prayed that if an adequate opportunity of hearing is given before

ld.CIT(A), assessee will prosecute the appeal properly. Per contra, Ld.Addl.CIT-DR relied upon the order of ld.CIT(A) and prayed for dismissal of appeal.

5. We have gone through the orders of lower authorities and submissions addressed by the parties before us. We are of the considered view that in the interest of justice assessee should be given one more opportunity before ld.CIT(A) 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 ld.CIT(A) for denovo adjudication of appeal. The Ld.CIT(A) 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 Ld.CIT(A) shall be at liberty to proceed with the appellate proceedings 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

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)

न्यायिक सदस्य / JUDICIAL MEMBER