

आयकर अपीलीय अधिकरण, हैदराबाद पीठ
IN THE INCOME TAX APPELLATE TRIBUNAL
Hyderabad ' B ' Bench, Hyderabad

Before Shri Manjunatha, G. Accountant Member and
Shri K. Narasimha Chary, Judicial Member

आ.अपी.सं / **ITA No.866/Hyd/2024**
(निर्धारण वर्ष / Assessment Year: 2016-17)

Shri Rameshbabu Reddy Nallareddy, Hyderabad PAN:AAHPN7153J (Appellant)	Vs.	A.C.I.T Circle 14 (1) Hyderabad (Respondent)
निर्धारिती द्वारा / Assessee by:	Advocate S.Phanindra	
राजस्व द्वारा / Revenue by:	Shri Karthik Manickam, DR	
सुनवाई की तारीख / Date of hearing:	30/10/2024	
घोषणा की तारीख / Pronouncement:	14/11/2024	

आदेश/ORDER

Per Manjunatha, G. A.M

This appeal filed by the assessee is directed against the order dated 8/8/2024 of the learned CIT (A)-NFAC Delhi, relating to A.Y.2016-17.

2. The brief facts of the case are that the appellant is an individual and filed his return of income for the A.Y 2016-17 on 15/01/2017 admitting total income of Rs.6,81,880/- consisting of income from business and other sources. During the course of assesment proceedings, the Assessing Officer noticed that the

assessee shown business income from Marvel LLC Dubai, Amounting to Rs.63,27,000/- and also business income from India amounting to Rs.10,00,000/-. The assessee had also claimed expenses and offered net income. The Assessing Officer called upon the assessee to file necessary evidences including bills & vouchers for expenses. Since the appellant could not submit relevant details, the Assessing Officer assessed business income of Rs.63.27 lakhs from Marvel LLC Dubai as income from salary and further in respect of business income earned from India, the Assessing Officer has estimated 20% profits,.

3. Being aggrieved, the assessee preferred an appeal before the learned CIT (A) but neither appeared nor filed any details which is evident from Para 4 of the learned CIT (A)'s order where number of opportunities were given to the assessee, but no compliance from the assessee. Therefore, the learned CIT (A) passed ex-parte appellate order and sustained the additions made by the Assessing Officer.

4. Aggrieved by the order of the learned CIT (A), the assessee is in appeal before us.

5. We have heard both parties, perused the material available on record and gone through the orders of the authorities below. Admittedly, before the Assessing Officer, the appellant could not furnish relevant evidences in support of various

expenses claimed against business income. Before the learned CIT (A), the assessee neither appeared, nor filed any details. Therefore, we cannot find fault with the dismissal of the appeal by the first appellate authority ex-parte for non-prosecution. It was the argument of the learned Counsel for the assessee that notices issued by the learned CIT (A) on 10/06/2024 and 22/07/2024 were not served and therefore, he could not put forth his case. We find that although the learned CIT (A) had given number of opportunities but the claim of the assessee is that the notices issued on particular dates were not served on the assessee and therefore, the assessee could not file relevant evidences. The assessee further claimed that given an opportunity, he would furnish all the details before the learned CIT (A). Therefore, considering the reasons given by the assessee for not appearing before the learned CIT (A), in our considered view, the issue needs to be set aside to the file of the learned CIT (A) to give another opportunity of hearing to the assessee. Thus, we set aside the order of the learned CIT (A) and restore the issue back to the file of the learned CIT (A) for fresh consideration. The learned CIT (A) is directed to re-consider the issue after providing reasonable opportunity of hearing to the assessee. Needless to say, the assessee shall furnish all the relevant evidences as and when the appeal is posted for hearing without seeking any adjournment.

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

Order pronounced in the Open Court on 14th November, 2024.

Sd/-

Sd/-

(K. NARASIMHA CHARY) JUDICIAL MEMBER	(MANJUNATHA, G.) ACCOUNTANT MEMBER
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Hyderabad, dated 14th November, 2024

Vinodan/sps

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3	Pr. CIT – Hyderabad
4	DR, ITAT Hyderabad Benches
5	Guard File

By Order