

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

**BEFORE SHRI INTURI RAMA RAO, AM
AND SHRI PRAKASH CHAND YADAV, JM**

**ITA No. 41/Coch/2024
Assessment Year: 2014-15**

Kumar Janardhan Nair
29/508, Lekshmee Nilayam
Shoranur Road, Thrissur 680022
[PAN: ACSPN6204F]

..... Appellant

Vs.

The Income Tax Officer
Ward - 2(3), Thrissur

..... Respondent

Appellant by: ----- None -----
Respondent by: Smt. Leena Lal, Sr. D.R.

Date of Hearing: 20.11.2024
Date of Pronouncement: 29.11.2024

ORDER

Per: Inturi Rama Rao, AM

This appeal filed by the assessee is directed against the order of the National Faceless Appeal Centre, Delhi [CIT(A)] dated 29.11.2023 for Assessment Year (AY) 2014-15.

2. Brief facts of the case are that the assessee had purchased 2 pension policies from Bajaj Life Insurance Company on 16.04.2010 for Rs. 7,50,000/- and Rs. 40,00,000/-. He closed these policies before maturity and the premature value was received during the financial year 2013-14 relevant to AY 2014-15. The Income Tax

Officer, Ward – 2(3), Thrissur (hereinafter “the AO”) added the same under the head “salary” to returned income.

3. Being aggrieved, an appeal was filed before the CIT(A), who vide the impugned order dismissed the appeal for non prosecution.

4. At the outset se find that the CIT(A) has dismissed the appeal *in limine* for non prosecution by the assessee without dealing with the issues in the appeal on merits. It is the settled position of law that the CIT(A), even while disposing of the appeal *ex parte*, is duty bound to dispose of the appeal on merits, even in the absence of the assessee. Reliance in this regard can be placed on the decision of the Hon'ble Bombay High Court in the case of PCIT vs. Premkumar Arjundas Luthra 279 CTR 614. Therefore, in the light of the above legal position we are of the considered view that the matter is required to be remanded to the file of the CIT(A) with a direction to dispose of the appeal *de novo* on merits after affording reasonable opportunity of hearing to the assessee.

5. In the result, the appeal of the assessee is allowed for statistical purposes.

Order pronounced in the open court on 29th November, 2024

Sd/-
(PRAKASH CHAND YADAV)
JUDICIAL MEMBER

Sd/-
(INTURI RAMA RAO)
ACCOUNTANT MEMBER

Cochin, Dated: 29th November, 2024

n.p.

Copy to:

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

By Order

Assistant Registrar
ITAT, Cochin