

ITA No. 216/PAT/2024 (A.Y. 2017-2018)
&
ITA No. 217/PAT/2024 (A.Y. 2016-2017)
Chandrakanti

**IN THE INCOME TAX APPELLATE TRIBUNAL,
KOLKATA-PATNA 'e-COURT', KOLKATA
[Hybrid Court Hearing]**

Before Shri Duvvuru RL Reddy, Vice-President (KZ)

**I.T.A. No. 216/PAT/2024 (A.Y. 2017-2018)
&
I.T.A. No. 217/PAT/2024 (A.Y. 2016-2017)**

**Chandrakanti,.....Appellant
Shubham Fuels, Salkhuwa,
Saharsa-852126, Bihar
[PAN:AEYPC7137A]**

-Vs.-

**Income Tax Officer,.....Respondent
Ward-3(4), Saharsa, Bihar**

Appearances by:

N o n e, appeared on behalf of the assessee

*Shri Ashwani Kr. Singal, JCIT, appeared on behalf of
the Revenue*

**Date of concluding the hearing: December 04, 2024
Date of pronouncing the order: December 12, 2024**

O R D E R

The present appeals bearing ITA Nos. 216/PAT/2024 and 217/PAT/2024 are directed at the instance of assessee against the orders of Id. Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi both dated 20th November, 2023 passed for Assessment Years 2017-18 and 2016-17 respectively.

2. Brief facts of the case are that the assessee is a Dealer of Petroleum Products and has filed her return of income for the assessment years 2016-17 and 2017-18 declaring total income of Rs.3,14,770 for the assessment year 2017-18 and Rs.2,88,500/- for the assessment year 2016-17. Both cases were selected for scrutiny to examine the cash deposits. During the course of assessment proceedings, so many notices were issued to the assessee but the assessee did not respond to any of the notices given by the ld. Assessing Officer. The ld. Assessing Officer procured the copy of Bank account statement from the Bank and came to know that there were total deposits by way of cash as well as cheque of Rs.2,02,01,190/- for the assessment year 2017-18. The ld. Assessing Officer also noticed that the appellant had disclosed total sales/ gross receipts of Rs.1,75,45,220/- in her return of income. Therefore, ld. Assessing Officer concluded that the difference of Rs.26,55,970/- is unexplained income and added the same to the total income under section 68 of the Act and taxed the same by invoking the provisions of section 115BBE of the Act @ 60% during demonetization period for assessment year 2017-18.

3. So far as the assessment year 2016-17 is concerned, on perusal of Bank statement of the assessee, the ld. Assessing Officer noticed that the assessee has deposited cash as well as cheque of Rs.2,67,85,501/- during the assessment year 2016-17, but the assessee has shown only total sales/gross receipts of Rs.2,42,56,250/- in her ITR and Form 3CD Tax Audit Report being

difference in total cash deposits, which comes to Rs.25,29,251/-. Since the assessee has not responded to the notices, therefore, ld. Assessing Officer added the said amount of Rs.25,29,251/- as unexplained and assessed income at Rs.28,17,751/-.

4. On being aggrieved, the assessee preferred appeals before the ld. CIT(Appeals) for A.Ys. 2016-17 and 2017-18. The ld. CIT(Appeals) has issued several notices to the assessee but the assessee did not appear before ld. CIT(Appeals) to substantiate her claim. Thereafter ld. CIT(Appeals) disposed of the appeals based on the material available on record and confirmed the orders passed by the ld. Assessing Officer.

5. On being aggrieved, the assessee preferred appeals before the Tribunal and raised the following issues:-

- (1) The order of the ld. CIT(Appeals) is erroneous both on facts and in law.*
- (2) The ld. CIT(Appeals) should have provided proper opportunity before deciding the appeal.*
- (3) The appellant was unaware about the notices of CIT(Appeals) as the notices issued to the appellant were delivered through e-mail ID only.*
- (4) Grounds raised before the CIT(Appeals).*
- (5) Any other ground that may be urged at the time of hearing.*

6. None appeared on behalf of the assessee at the time of hearing.

7. The ld. Departmental Representative submitted that so many opportunities were given to the assessee but there was no response from the assessee. Therefore, Revenue Authorities have no option except passing of the orders based on the material available on record. He, therefore, pleaded to uphold the orders passed by the ld. CIT(Appeals).

8. I have heard the ld. D.R. and perused the material available on record. Considering the facts and circumstances of the case, in order to meet the principle of natural justice, I am inclined to set aside the orders passed by the ld. CIT(Appeals) and remit the matter back to the file of ld. CIT(Appeals) with a direction to provide one more opportunity of being heard to the assessee. At the same breath, I also hereby caution the assessee to promptly co-operate with the proceedings before the Ld. CIT(Appeals) failing which the Ld. CIT(Appeals) shall be at liberty to pass appropriate order in accordance with law and merits based on the materials available on the record. Thus, the grounds raised by the assessee in both the appeals are allowed for statistical purposes.

9. In the result, both the appeals of the assessee are allowed for statistical purposes.

Order pronounced in the open Court on 12/12/2024.

Sd/-
(Duvvuru RL Reddy)
Vice-President (KZ)

Kolkata, the 12th day of December, 2024

*Copies to :(1) Chandrakanti,
Shubham Fuels, Salkhuwa,
Saharsa-852126, Bihar*

- (2) Income Tax Officer,
Ward-3(4), Saharsa, Bihar*
 - (3) Commissioner of Income Tax (Appeals);
National Faceless Appeal Centre (NFAC),
Delhi;*
 - (4) CIT - , Patna;*
 - (5) The Departmental Representative;*
 - (6) Guard File*
- TRUE COPY*

By order

*Assistant Registrar,
Income Tax Appellate Tribunal,
Kolkata Benches, Kolkata*

Laha/Sr. P.S.