

आयकर अपीलीय अधिकरण, हैदराबाद पीठ में
IN THE INCOME TAX APPELLATE TRIBUNAL
HYDERABAD BENCHES "B", HYDERABAD

BEFORE
SHRI K.NARASIMHA CHARY, JUDICIAL MEMBER
&
SHRI MADHUSUDAN SAWDIA, ACCOUNTANT MEMBER

आ.अपी.सं / ITA No.415/Hyd/2024
(निर्धारण वर्ष / Assessment Year: 2013-14)

Sudhakar Rao Gudipudi Vs. Income Tax Officer,
Khammam Ward-1
[PAN :AIQPG3925J] Khammam

अपीलार्थी / Appellant प्रत्यर्थी / Respondent

निर्धारिती द्वारा/Assessee by: Shri S.Rama Rao, AR
राजस्व द्वारा/Revenue by: Shri Madan Mohan Meena, DR

सुनवाई की तारीख/Date of hearing: 22/10/2024
घोषणा की तारीख/Pronouncement on: 05/11/2024

आदेश / ORDER

PER K. NARASIMHA CHARY, J.M:

Aggrieved by the order dated 22/02/2024 passed by the learned Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi ("Learned CIT(A)"), in the case of Sudhakar Rao Gudipudi ("the assessee") for the assessment year 2013-14, assessee preferred this appeal.

2. Brief facts of the case are that the assessee is an individual and a commission agent for agricultural produce like cotton and chillies. Assessment in the case of the assessee was completed and the learned Assessing Officer assessed the total income of the assessee at

Rs.75,06,216/- against the returned income of Rs.2,29,130/- by disallowing commission income of Rs.4,42,479/-, making addition u/s 69A of Rs.68,34,607/- and passed assessment order under section 147 read with section 144B of the Income tax Act, 1961 ("the Act") on 26/03/2024.

3. Aggrieved by the order of the learned Assessing Officer, assessee preferred appeal before the learned CIT(A) and the Learned CIT(A) upheld the order passed by the learned Assessing Officer and dismissed the appeal of the assessee ex-parte.

4. Aggrieved by the order of the learned CIT(A) assessee preferred an appeal before us and the Ld.AR contended that the Revenue authorities concluded the proceedings without providing proper opportunity to the assessee to substantiate his claim with credible material evidences. Learned AR filed a petition before us, requesting for admission of following additional evidences, which could not be presented before the learned CIT(A) as the notices stated to have been issued by the learned CIT(A) were not in the knowledge of the assessee and the appeal was disposed of ex-parte due to non-compliance, which was neither intentional nor deliberate:

- (i) Agricultural Market Committee assessment proceedings
- (ii) Monthly summary statement of the assessee in the books of Sakku Spinning Mills Ltd. and Idupulapadu Cotton Mills Pvt. Ltd.
- (iii) Ledger copy of the assessee in the books of Sakku Spinning Mills Ltd. for the period 01/04/2012 to 31/03/2013.
- (iv) Ledger copy of the assessee in the books of Idupulapadu Cotton Mills Pvt Ltd. for the period 01/04/.2012 to 31/03/2013

5. Ld.AR further submitted that the above mentioned additional evidences are very much required to explain the nature of business carried out by the assessee with the concerns to whom the assessee supplied cotton belonging to the growers, which could not be presented before the Revenue authorities due to the circumstances beyond the control of the

assessee. He, therefore, pleaded for an opportunity before the learned CIT(A) to substantiate his claim with the cogent evidences in the interest of justice.

6. Per contra, learned DR contended that the assessee was given sufficient opportunities, but the assessee could not avail the same. He submitted that the learned CIT(A) was justified in dismissing the appeal of the assessee. He, therefore, pleaded to uphold the order passed by the learned CIT(A) and dismiss the appeal of the assessee.

7. We have heard the rival contentions in the light of submissions made on either side. We find that the assessee was prevented by a sufficient and reasonable cause for not producing evidences before the Revenue authorities. Keeping in view the foregoing facts and circumstances of the case and the principles of natural justice, we set aside the impugned order and restore the issue to the file of the learned CIT(A) to consider the additional evidences to be produced by the assessee under Rule 46 of the Income Tax Rules and to take a view according to law after examination of the same. We direct the assessee to be diligent in complying with the notices issued by the Revenue authorities and cooperate during the appeal proceedings.

8. In the result, the appeal of assessee is allowed for statistical purpose.

Order pronounced in the open court on this the 5th day of November, 2024.

Sd/-

(MADHUSUDAN SAWDIA)
ACCOUNTANT MEMBER

Hyderabad,
Dated:05/11/2024
L.Rama, SPS

Sd/-

(K. NARASIMHA CHARY)
JUDICIAL MEMBER

Copy forwarded to:

1. Shri Sudhakar Rao Gudipudi, 4-2-75/4/4, Srinivasa Nagar,
Khammam Dist
2. The Income Tax Officer, Ward-1, Khammam
3. The Pr.CIT, Hyderabad
4. The Ld.DR, ITAT, Hyderabad
5. GUARD File

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ITAT, HYDERABAD