

**IN THE INCOME TAX APPELLATE TRIBUNAL,  
MUMBAI BENCH "D", MUMBAI**

**BEFORE SHRI AMARJIT SINGH, ACCOUNTANT MEMBER  
AND SHRI SUNIL KUMAR SINGH, JUDICIAL MEMBER**

**ITA No.2295/Mum/2024  
Assessment Year: 2017-18**

Maisil Mercantile Private Limited Flat No. 401, 4 <sup>th</sup> Floor, Paigah Plaza, Basheerbagh, Hyderabad, Telangana-500029. <b>PAN: AAJCM 5000 G</b> (Appellant)	Vs.	ITO, Ward 12(3)(3), Mumbai (Respondent)
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**Present for:**

Assessee by : None  
Revenue by : Shri R.R. Makwana, Sr. DR

Date of Hearing : 30.10.2024  
Date of Pronouncement : 12.12.2024

**ORDER**

**PER AMARJIT SINGH, ACCOUNTANT MEMBER:**

This appeal of the assessee for the assessment year 2017-18 is directed against the order dated 08.12.2023 passed by the Id. Commissioner of Income-tax (Appeal), NFAC, Delhi.

2. Fact in brief is that assessment in the case of the assessee was finalized u/s 144 of the Act on 25.09.2019. During the course of assessment, the assessing officer issued notice u/s 142(1) of the Act asking the assessee to furnish the true and correct return of income in respect of which it is assessable under the Income Tax Act, 1961 for the previous year relevant to A.Y. 2017-18. However, the assessee has failed to furnish the return of income for A.Y.

2017-18 either u/s 139 (on or before 31.03.2018) and also failed to furnish Income Tax Return in response to notice issued u/s 142(1) of the Act.

3. On the basis of data analytics and information gathered during the phase of online verification under 'Operation Clean Money', the Income Tax Department gathered a list of assessee who had deposited substantial cash in bank account during the demonetization. As per such information the assessee had deposited cash of Rs. 87,00,000/- in its bank account during the demonetization period 09.11.2016 to 30.12.2016 in old currency and assessee failed to response to the notices issued u/s 142(1) requiring the assessee to explain the source of cash deposit made in the bank account during the demonetization period. Therefore, the AO has completed the assessment u/s 144 of the Act and treated the amount of Rs. 87,00,000/- cash deposited in the bank account maintained in the State Bank of India and Corporation Bank in the F.Y. 2016-17 as unexplained u/s 69A of the Act and added to the total income of the assessee.

4. The assessee filed appeal before the ld. CIT(A). The ld. CIT(A) has issued four notices to the assessee. However, the assessee has not made any compliance to the notices issued by the ld. CIT(A). Therefore, the ld. CIT(A) has dismissed the appeal of the assessee on account of not making any compliance to the notices issued during the course of appellate proceedings.

5. Heard both the sides and perused the material on record. As per perusal of material placed on record, the assessee submitted that notice of hearing issued by the ld. CIT(A) were not received within the time limit. Therefore, requested for more opportunity of hearing before the First Appellate Authority for deciding the case on merit. It appeared that most of the notices have been sent through ITBA portal might have not been timely accessed by the assessee. Therefore, in order to adjudicate the appeal of the assessee on merit, we consider it appropriate to restore the case to the file of the ld. CIT(A) for deciding afresh on merit as contemplate u/s 250(6) of the Act after providing three more opportunities of hearing to the assessee. The assessee is also directed to make due compliance before the ld. CIT(A) in the set aside proceedings without any failure. Accordingly, the appeal filed by the assessee is allowed for statistical purposes.

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

Order pronounced in the open court on 12.12.2024.

**Sd/-**  
**(SUNIL KUMAR SINGH)**  
**JUDICIAL MEMBER**

**Sd/-**  
**(AMARJIT SINGH)**  
**ACCOUNTANT MEMBER**

Mumbai, Dated: 12.12.2024  
Biswajit, Sr. P.S.

Copy to:

1. The Appellant:
2. The Respondent:
3. The CIT,
4. The DR

//True Copy//

By Order

Assistant Registrar  
ITAT, Mumbai Benches, Mumbai