



**IN THE INCOME TAX APPELLATE TRIBUNAL  
SMC BENCH, LUCKNOW**

**BEFORE SHRI. SUDHANSHU SRIVASTAVA, JUDICIAL MEMBER**

ITA No.87/LKW/2024  
Assessment Year: 2017-18

Supreet Kaur 44/2, Block No.5 Govind Nagar, Kanpur TAN/PAN:BZYPK1430N (Appellant)	v.	The Income Tax Officer Range 1(2)(3) Kanpur (Respondent)
---	----	---

Appellant by:	Shri Rakesh Garg, Advocate		
Respondent by:	Shri Saurabh Dubey, D.R.		
Date of hearing:	12	12	2024
Date of pronouncement:	13	12	2024

**ORDER**

This appeal has been preferred by the Assessee against the order dated 26.09.2024, passed by the Id. Commissioner of Income Tax (Appeal), National Faceless Appeal Centre (NFAC), Delhi for Assessment Year 2017-18.

2. The brief facts of the case are that the Income Tax Department had received an information that the assessee had deposited a sum of Rs.20,80,000/- in her Bank Account No.0898651100000523 maintained with IDBI Bank, R.K. Nagar, Kanpur and Bank Account No.02987610000488 maintained with HDFC Bank, Govind Nagar, Kanpur, during the demonetization period. Since, as per the assessment order, the assessee had not filed any return of income for the year under consideration, the

Assessing Officer (AO) issued notice under section 142(1) of the Income Tax Act, 1961 (hereinafter called “the Act”), requiring the assessee to file her return of income for the year under consideration. However, the assessee did not file any return of income. Thereafter, the AO issued statutory notices, but they remained un-complied with. The AO, therefore, completed the assessment under section 144 of the Act, computing the income of the assessee as under:

Returned income	: Nil
Addition u/s.69A of the Act	: Rs.20,80,000/-
Addition u/s. 44AD of the Act	: Rs.16,16,312/-
Total income	: Rs.36,96,312/-
Rounded off	: Rs.36,96,310/-

3. The AO also invoked the provisions of section 115BBE of the Act and initiated penalty proceedings under sections 271AAC and 272A(1)(d) and 271F of the Act.

4. Aggrieved, the assessee preferred an appeal before the NFAC, who dismissed the appeal of the assessee by passing an order ex-parte qua the assessee.

5. Now, the assessee has approached this Tribunal challenging the orders passed by the AO as well as the NFAC by raising the following grounds of appeal:

1. *The Ld. Commissioner of Income-tax (Appeal) has erred in law and on facts in passing the order, which is unlawful, unjustified and against the principles of natural justice.*

2. *The Ld. Commissioner of Income-tax (Appeal) has erred in law and on facts in passing the order without giving adequate opportunity of being heard and passing the order ex-parte.*

3. *The Ld. Commissioner of Income-tax (Appeal) has erred in law and on facts in upholding addition of Rs.20,80,000/- made by Ld. Assessing Officer u/s 69A of Income-tax Act.*

4. *The Ld. Commissioner of Income-tax (Appeal) has erred in law and on facts in upholding addition of Rs.16,16,312/- made by Ld. Assessing Officer u/s 44AD of Income-tax Act.*

5. *The Ld. Commissioner of Income-tax (Appeals) has erred in law and on facts in passing assessment order which is contrary to the facts and law.*

6. *The appellant craves leave to add, amend, alter or withdraw any ground of appeal or raise any new ground of appeal during the pendency of appeal.*

6. During the course of hearing before me, the Ld. Authorized Representative for the assessee (Ld. A.R.) submitted that both the authorities below have passed the orders ex-parte qua the assessee without providing a reasonable opportunity of hearing to the assessee. The Ld. A.R. further submitted that the finding of the AO that no return of income had been filed by the assessee is not correct, whereas the assessee had filed her return

of income for the year under consideration on 26.12.2019. He further submitted that the assessee could not be represented before the AO and could not furnish the documents in support of the cash deposits in her Bank Account and other transactions entered into by the assessee during the year under consideration and prayed that in the interest of justice, the matter may be restored to the file of the AO for deciding the same afresh after affording reasonable opportunity of hearing to the assessee. He submitted that the assessee undertakes to produce all the relevant documents in support of the transactions entered into by the assessee during the year under consideration, before the AO.

7. The ld. D.R. had no objection to the restoration of appeal to the AO.

8. I have heard the ld. Senior Departmental Representative as well as the ld. AR and have also perused the material on record. Looking into the facts of this case, I am of the considered view that the Assessee deserves one more opportunity to present her case and, therefore, in the interest of substantial justice, I restore this file to the Office of the AO with the direction to provide one more opportunity to the Assessee to present her case and I also caution the Assessee to fully comply with the directions of the AO in the set-aside proceedings when called

upon to do so, failing which, the AO shall be at complete liberty to pass the order in accordance with law, based on material available on record even if it is ex-parte qua the Assessee.

9. In the result, the appeal of the Assessee stands allowed for statistical purposes.

Order pronounced in the open Court on 13/12/2024.

Sd/-  
[SUDHANSHU SRIVASTAVA]  
JUDICIAL MEMBER

DATED:13/12/2024

JJ:

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. DR

By order  
Assistant Registrar