

आयकर अपीलीय अधिकरण, 'ए' न्यायपीठ, चेन्नई
IN THE INCOME-TAX APPELLATE TRIBUNAL 'A' BENCH, CHENNAI
श्री एस.एस. विश्वनेत्र रवि, न्यायिक सदस्य एवं श्री एस.आर. रगुनाथा, लेखा सदस्य के समक्ष
Before Shri S.S. Viswanethra Ravi, Judicial Member &
Shri S.R. Raghunatha, Accountant Member

आयकर अपील सं./I.T.A. No.2934/Chny/2024

निर्धारण वर्ष/Assessment Year: 2015-16

&

S.A. No. 80/Chny/2024 [in ITA No. 2934/Chny/2024]

Mr. Subramanian Vijay
Sethunarayanan, Old No. 57/3, New
No. 25, 14th Cross II Main Road,
Trichy 620 021.

Vs. The Income Tax Officer,
Ward 3(3), Trichy.

[PAN:AFDPV5473J]

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से / Appellant by : Ms. Jharna B. Harilal, CA
प्रत्यर्थी की ओर से/Respondent by : Shri Ilayaraja, K.S., Addl. CIT
सुनवाई की तारीख/ Date of hearing : 06.12.2024
घोषणा की तारीख /Date of Pronouncement : 18.12.2024

आदेश / O R D E R

PER S.S. VISWANETHRA RAVI, JUDICIAL MEMBER:

This appeal filed by the assessee is directed against the order dated 22.12.2023 passed by the Id. Commissioner of Income Tax (Appeals), National Faceless Appeal Centre [NFAC], Delhi for the assessment year 2015-16.

2. We find that this appeal is filed with a delay of 274 days. The assessee filed an affidavit for condonation of delay stating the reasons. Upon hearing both the parties and on examination of the said affidavit,

we find the reasons stated by the assessee are bonafide, which really prevented the assessee in filing the appeal in time. Thus, the delay of 274 days is condoned and admitted the appeal for adjudication.

3. Coming to the merits of the case, we note that the assessee filed original return of income declaring total income of ₹.4,73,320/- and the return was selected for limited scrutiny for large cash deposits in savings bank account(s). The Assessing Officer issued notices under section 143(2) and 142(1) of the Income Tax Act, 1961 ["Act" in short] requesting the assessee to furnish copy of statement for all bank accounts held by him and books of account and source for cash deposits in saving bank accounts. According to the Assessing Officer, the assessee made cash deposits in the saving bank accounts of HDFC and ICICI Bank Ltd. to the tune of ₹.65,03,750/- and ₹.27,45,500/- respectively and failed to furnish any supporting documents/evidences. The Assessing Officer completed the assessment and determined the total income of the assessee at ₹.97,22,570/- vide his order dated 29.12.2017 under section 144 of the Act. The assessee preferred an appeal before the Id. CIT(A). On perusal of the impugned order at para 3, we note that the Id. CIT(A) issued 5 notices and there was no response from the assessee in

substantiating the grounds raised in Form 35. Having no option, the Id. CIT(A) proceeded to confirm the order of the Assessing Officer exparte of the assessee.

4. Before us, the Id. AR Ms. Jharna B. Harilal, CA pleads that one more opportunity may be afforded to the assessee and the assessee is ready with all material evidence to prosecute his case without fail before the Assessing Officer.

5. The Id. DR Shri K.S. Ilayaraja, Addl. CIT opposed the same and drew our attention to the orders of authorities below and argued that the Id. CIT(A) as well as Assessing Officer have given ample of opportunities to the assessee, but, it was not availed. He vehemently argued that the costs may be imposed in case this Tribunal afford an opportunity by remanding the matter to the file of the Assessing Officer.

6. Taking into consideration the facts and circumstances of the case, the addition involved therein, in our opinion, it requires assistance from the assessee and therefore, in the interest of justice, we deem it proper to remand the matter to the file of the Assessing Officer for fresh consideration subject to the condition of payment of ₹.25,000/- towards cost in favour of the State Legal Aid Authority,

Hon'ble High Court of Madras within 30 days from the date of receipt of this order. The Assessing Officer shall satisfy on production of receipt of payment of cost imposed hereinabove and to decide the issue in accordance with law after considering the documentary evidence as may be filed by the assessee. Thus, the ground raised by the assessee is allowed for statistical purposes.

7. The Stay Application filed by the assessee in S.A. No. 80/Chny/2024, was also heard along with the main appeal. Since we have adjudicated the main appeal by setting aside the CIT(A)'s order and remanded the matter back to the file of the Assessing Officer for fresh consideration, the stay petition filed by the assessee become infructuous and accordingly, the same stands dismissed.

8. In the result, the appeal filed by the assessee is allowed for statistical purposes and the Stay Application is dismissed.

Order pronounced on 18th December, 2024 at Chennai.

Sd/-
(S.R. RAGHUNATHA)
ACCOUNTANT MEMBER

Sd/-
(S.S. VISWANETHRA RAVI)
JUDICIAL MEMBER

Chennai, Dated, 18.12.2024

Vm/-

आदेश की प्रतिलिपि अग्रेषित/Copy to:

1. अपीलार्थी/Appellant,
2. प्रत्यर्थी/ Respondent,
3. आयकर आयुक्त/CIT, Chennai/Madurai/Coimbatore/Salem
4. विभागीय प्रतिनिधि/DR &
5. गार्ड फाईल/GF.