

2. The assessee is an individual and filed the return of income for AY 2017-18 on 02.08.2017 declaring a total income of Rs. 2,45,240/-. The return was selected for scrutiny for verification of cash deposit during the year and the statutory notices were duly served on the assessee. The AO completed the assessment by making an addition of Rs. 2,35,23,822/- under section 69A of the Income Tax Act, 1961 (the Act). Aggrieved the assessee filed further appeal before the CIT(A). The CIT(A) passed an ex-parte order since the assessee did not file any details or respond to the notices. The CIT(A) in the appellate order has given partial relief to the assessee by directing the AO to estimate the addition to 10% of the cash deposit made during the period excluding the demonetization period and to treat the cash deposited during demonetization period as addition under section 68.

3. We heard the parties and perused the material on record. It is submitted that the CIT(A) did not give sufficient time to the assessee to collate the required details and therefore, the order of the CIT(A) is against the principles of natural justice. We notice that the AO has issued several notices to the assessee on his registered email Id and that the assessee has not responded. We further notice that the even before the CIT(A) the assessee did not respond to the notices and filed any further details. However the CIT(A) to meet the ends of justice gave partial relief to the assessee. Considering the facts and circumstances peculiar to the case in the interest of natural justice and fair play, we are inclined to give one more opportunity to the assessee to contend the issues on merits before the lower authorities. Accordingly, the issues are restored back to the AO for fresh consideration on merits with a direction to call for necessary details and decide in accordance with law. The assessee is directed to submit details as may be called for without seeking unwarranted adjournments and cooperate with the assessment proceedings. It is ordered accordingly.

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

Order pronounced in the open court on 09-12-2024.

Sd/-
(SAKTIJIT DEY)
Vice President

**SK, Sr. PS*

Sd/-
(PADMAVATHY S)
Accountant Member

Copy of the Order forwarded to :

1. The Appellant
2. The Respondent
3. DR, ITAT, Mumbai
4. Guard File
5. CIT

BY ORDER,

(Dy./Asstt. Registrar)
ITAT, Mumbai