

**आयकर अपीलीय अधिकरण 'बी' न्यायपीठ चेन्नई में।
IN THE INCOME TAX APPELLATE TRIBUNAL
'B' (SMC) BENCH, CHENNAI**

**माननीय श्री मनोज कुमार अग्रवाल ,लेखा सदस्य एवं
माननीय श्री मनु कुमार गिरि, न्यायिक सदस्य के समक्ष।
BEFORE HON'BLE SHRI MANOJ KUMAR AGGARWAL, ACCOUNTANT MEMBER
AND HON'BLE SHRI MANU KUMAR GIRI, JUDICIAL MEMBER**

**आयकरअपील सं./ ITA No.2618 /Chny/2024
(निर्धारणवर्ष / Assessment Year: 2020-2021)**

Surendhiran Unnithan Vinodkumar **Vs.** The Income Tax Officer,
Plot No.54, Door No.5/12, Non Corporate Ward 10(6)
2nd Street, Natesan Nagar, Chennai.
Ramapuram,
Chennai 600 089.

[PAN: AECPV 4836P]

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से/ Appellant by : Shri K. Balasubramanian, Advocate
प्रत्यर्थी की ओर से /Respondent by : Ms. D. Komali Krishna, IRS, CIT.

सुनवाई की तारीख/Date of Hearing : 17.12.2024

घोषणा की तारीख /Date of Pronouncement : 19.12.2024

आदेश / ORDER

PER MANU KUMAR GIRI (Judicial Member)

This appeal by the assessee is arising out of the order of the Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi in order No.ITBA/NFAC/S/250/2024-25/1067628888 (1) dated 14.08.2024. The assessment was framed by the Income Tax Officer, Non Corporate Ward 10(6), Chennai for the assessment year 2020-21 u/s.143(3) r.w.s. 144B of the Income Tax Act, 1961 (hereinafter the 'Act'), vide order dated 20.09.2022.

2. Brief facts of the case are that the appellant is an individual deriving income from business as Film Producer and Distributor. For the assessment year 2020-21, he has filed the return of income on 26-03-2021 admitting a total income of Rs. 13,15,240/-, The return was processed u/s.143(1) of the Act on 28/09/2021 at returned income. Thereafter, the return was selected for limited scrutiny and notice u/s.143 (2) of the Act issued on 29/06/2021. Assessment was completed by passing an order under section 143(3) r.w.s. 1448 of the I.T. Act on 20/9/2022. While so doing the learned AO has determined the total income at Rs. 46,86,000/- by making the following additions:

- 'i) Addition of Rs.3,62,500/- u/s 68 of the Act for Unexplained Unsecured Loan.*
- II) Addition of Rs.3,08,506/-u/s.68 of the Act for Unexplained creditor.*
- iii) Addition of Rs. 18,00,000/-u/s.68 of the Act for Unexplained Advance Received.*
- iv) Addition of Rs. 8,99,752/-for Expenses treated as incorrect'.*

Assessee further challenged the order of assessment u/s 143(3) r.w.s. 144B of the Act before the Id.CIT(A) who proceeded ex-parte and confirmed the order of the AO on merits. Aggrieved, assessee is in appeal before us.

3. Before the Id. Counsel for assessee submitted that the AO has not given sufficient time to file evidence and documents to substantiate his explanation. The Id.DR stated that the assessee is habitual defaulter in appearing before the appellate authority hence no lenient view is to be taken in this case and prayed for dismissal of appeal.

4. Though we concur with the submissions of Ld. Sr. DR however, keeping in mind the principle of natural justice and grant another opportunity of hearing to the

assessee. We also find that assessee has not represented before the Id.CIT(A) despite notices. Accordingly, the impugned order is set aside and the appeal is restored back to the file of Ld. AO for denovo assessment on merits after affording proper opportunity of hearing to the assessee. The assessee is directed to substantiate its case with all evidence, confirmations and documents, if any, forthwith without any fail, failing which Ld. AO shall be at liberty to proceed with the assessment proceedings on merits as per law.

5. In the result, appeal filed by the assessee is allowed for statistical purpose.

Order pronounced in the open court on 19th day of December, 2024

Sd/-

(मनोज कुमार अग्रवाल)

(MANOJ KUMAR AGGARWAL)

लेखा सदस्य / ACCOUNTANT MEMBER

चेन्नई Chennai:

दिनांक Dated : 19-12-2024

KV

आदेश की प्रतिलिपि अग्रेषित /Copy to :

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

Sd/-

(मनु कुमार गिरि)

(MANU KUMAR GIRI)

न्यायिक सदस्य / JUDICIAL MEMBER