

आयकर अपीलीय अधिकरण, पाटना पीठ, पाटना
IN THE INCOME TAX APPELLATE TRIBUNAL PATNA BENCH: PATNA
(VIRTUAL HEARING AT KOLKATA)

श्री दुव्वुरु आर. एल. रेड्डी, उपाध्यक्ष एवं श्री राजेश कुमार, लेखा सदस्य के समक्ष
[Before Shri Duvvuru RL Reddy, Vice-President & Shri Rajesh Kumar, Accountant Member]

I.T.A. No. 308/Pat/2023
Assessment Year: 2017-18

Dinesh Prasad (PAN: ARBPP 7457 Q)		Vs.	ACIT, Circle-1, Gaya
Appellant / (अपीलार्थी)			Respondent / (प्रत्यर्थी)

Date of Hearing / सुनवाई की तिथि	02.12.2024
Date of Pronouncement/ आदेश उद्घोषणा की तिथि	31.12.2024
For the Assessee / निर्धारिती की ओर से	Shri Manish Rastogi, Advocate
For the Revenue / राजस्व की ओर से	Shri Ashwani Kr. Singal, JCIT

ORDER / आदेश

Per Rajesh Kumar, AM:

This is the appeal preferred by the assessee against the order of the Ld. Commissioner of Income Tax (Appeals)-NFAC, Delhi (hereinafter referred to as the "Ld. CIT(A)") dated 16.08.2023 for the AY 2017-18.

2. The only issue raised in the grounds of appeal is against the confirmation of addition of Rs. 2,81,51,800/- by the Ld. CIT(A) as made by the AO on account of cash deposit during demonetization period in the bank account of the assessee.
3. At the outset, we note that there is a delay of two days in filing the appeal. After considering the rival contentions and facts available on record, we find that the delay is for sufficient and bonafide reasons and accordingly the same is condoned and the appeal is admitted for adjudication.
4. We note that the assessment has been framed by the AO ex-parte u/s 144 of the Act vide order dated 29.11.2019 when the assessee failed to turn up on various dates/ hearing allowed by the AO. Finally, the AO made addition in respect of cash deposited by the assessee during demonetization period by treating the same as unexplained cash credit u/s 68 of the Act.
5. Similarly the Ld. CIT(A) in the appellate proceedings allowed the assessee as many as eight opportunities have given however, the assessee failed to respond the same. Finally the Ld. CIT(A) upheld the order of AO by dismissing the appeal of the assessee.
6. After hearing the rival contentions and perusing the material available on record, we find that the proceedings before the AO as well as the Ld. CIT(A) were ex-parte when the assessee failed to respond r on the various dates of hearing. The addition made by the AO is on account of cash deposits during demonetization period and the same remained unexplained before both the parties. On the prayer of the assessee , we may deem it fit and reasonable and also in the interest of justice and fair play to restore the matter to the file of AO for de novo adjudication of the issue after affording a reasonable opportunity of hearing to the assessee.

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

Order is pronounced in the open court on 31st December, 2024

Sd/-

Sd/-

(Duvvuru RL Reddy /दुव्वुरु आर. एल. रेड्डी)
Vice-President/उपाध्यक्ष

(Rajesh Kumar/राजेश कुमार)
Accountant Member/लेखा सदस्य

Dated: 31st December, 2024

SM, Sr. PS

Copy of the order forwarded to:

1. Appellant- Dinesh Prasad, New Quazi Mohalla, Aurangabad Road, Bihar-824101
2. Respondent – ACIT, Circle-1, Gaya
3. Ld. CIT(A)-NFAC, Delhi
4. Ld. PCIT- , Patna
5. DR, Patna Bench, Patna

True Copy

By Order

Assistant Registrar
ITAT, Kolkata Benches, Kolkata