

IN THE INCOME TAX APPELLATE TRIBUNAL
“PATNA BENCH, PATNA
VIRTUAL HEARING AT KOLKATA

Before Shri Sonjoy Sarma, Judicial Member and Shri Sanjay Awasthi, Accountant Member

I.T.A. No.348/Pat/2023
Assessment Year: 2017-18

Rajeev Ranjan.....Appellant
C/o Kanhaiya Prasad Sharma,
Naubatpur, Gopalpur,
Bihar – 801109.
[PAN: ANIPR8115J]

vs.

ITO, Ward-5(1), Patna.....Respondent

Appearances by:

Shri Abhishek Agrawal, CA, appeared on behalf of the appellant.

Shri Ajay Kr. Shukla, JCIT-Sr. DR, appeared on behalf of the Respondent.

Date of concluding the hearing : December 18, 2024

Date of pronouncing the order : December 23, 2024

ORDER

Per Sonjoy Sarma, Judicial Member:

The present appeal has been preferred by the assessee against the order dated 13.10.2023 of the National Faceless Appeal Centre [hereinafter referred to as ‘CIT(A)’] passed u/s 250 of the Income Tax Act (hereinafter referred to as the ‘Act’).

2. Brief facts of the case are that the assessee is an individual and filed his return of income by declaring total income for the assessment year 2017-18 at Rs.3,68,850/-. The case of the assessee was selected for scrutiny followed by notices issued u/s 143(1) and 143(2) of the Act. However, the assessee failed to comply with the notices issued by the Assessing Officer. Accordingly, the Assessing Officer based on material available passed an ex parte order u/s 144 of the Act by making addition of Rs.1,05,76,650/- and added the same to the total income of the assessee.

3. Dissatisfied with the above order, the assessee filed an appeal before the ld. CIT(A) but the assessee has failed to appear on five consecutive dates despite serving notices to the assessee. The ld. CIT(A) accordingly passed an order by dismissing the appeal of the assessee by the upholding the order of the Assessing Officer.

4. Aggrieved by the order of the ld. CIT(A), the assessee filed the appeal before this Tribunal raising multiple grounds. However, the main contention of the ld. AR is that both assessment order and appellate order are ex parte without adjudicating the merit of the case, which is a violation of principles of natural justice and the assessee did not get proper opportunity to present its case before the authorities below to present its case by submitting supporting documents to substantiate the claim of the assessee. He, therefore, prayed before the Bench that it is necessary to remand the issue back to the file of the Assessing Officer with a direction to decide the appeal on merit.

7. On the other hand, the ld. DR supported the decisions rendered by the authorities below.

8. We, after hearing the submissions of the parties and perusing the materials available on record, find that that both the orders of the Assessing Officer and ld. CIT(A) were passed without addressing the merit of the case. We further note that the ld. CIT(A) had dismissed the appeal without deciding the appeal on merits only on the ground of non-compliance. We find that dismissal of appeal solely on procedural ground without examining the merits of the case which is essential u/s 250(6) of the Act, is not justified. We, therefore, deem it fit to provide the assessee one more opportunity to substantiate his case to ensure just and fair assessment. We, therefore, remand back the issue to the file of the Assessing Officer with a direction to re-examine the case on merits after giving reasonable opportunity of being heard to the assessee to represent

his case. We also direct the assessee to diligently comply with the notices issued and participate sincerely in the proceeding to avoid any delay.

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

Kolkata, the 23rd December, 2024.

Sd/-
[Sanjay Awasthi]
Accountant Member

Sd/-
[Sonjoy Sarma]
Judicial Member

Dated: 23.12.2024.

RS

Copy of the order forwarded to:

1. Rajeev Ranjan
2. ITO, Ward-5(1), Patna
3. CIT(A)-
4. CIT- ,
5. CIT(DR),

//True copy//

By order

Assistant Registrar, Kolkata Benches