

आयकर अपीलिय अधिकरण, चण्डीगढ़ न्यायपीठ "एस.एम.सी", चण्डीगढ़
IN THE INCOME TAX APPELLATE TRIBUNAL, CHANDIGARH BENCHES, "SMC"
CHANDIGARH

HEARING THROUGH: PHYSICAL MODE

श्री विक्रम सिंह यादव, लेखा सदस्य
BEFORE: SHRI. VIKRAM SINGH YADAV, AM

आयकर अपील सं. / ITA No. 864/CHD/2024
निर्धारण वर्ष / Assessment Year : 2017-18

Managing Committee Shri Atmanand Jain Kanya Ucch Vidyalaya, Ambala City	बनाम	The ITO Exemptions Ward Ambala,
स्थायी लेखा सं. / PAN NO:AABAM4834G		
अपीलार्थी / Appellant		प्रत्यर्थी / Respondent

निर्धारिती की ओर से / Assessee by : Shri Dhruv Goel, C.A
राजस्व की ओर से / Revenue by : Dr. Ranjeet Kaur, Sr. DR

सुनवाई की तारीख / Date of Hearing : 17/12/2024
उद्घोषणा की तारीख / Date of Pronouncement : 26/12/2024

आदेश / Order

PER VIKRAM SINGH YADAV, AM

This is an appeal filed by the Assessee against the order of the Ld. CIT(A)/NFAC, Delhi dt. 18/06/2024 pertaining the Assessment Year 2017-18.

2. In the present appeal, the Assessee has raised the following grounds of appeal:

1. "That authorities below have erred in law and facts in denying the exemption u/s 10(23C)(iiiad) to Assessee running Schools.
2. That authorities below have erred in law and facts in making an addition of Rs. 36,34,032/- being Gross Receipt from School operations of Assessee as Income chargeable to tax.
3. That authorities below have erred in law and facts in making an addition of Rs. 12,31,350/- u/s 69A being cash deposit in bank account of Schools run by Assessee.

4. *That authorities below have erred in law and facts in violating the principle of natural justice as the additions have been confirmed without service of notice on Assessee.*
5. *That the appellant craves leave to add, alter, and amend or to substitute the above grounds of appeal before disposal of the appeal."*

3. During the course of hearing, the Ld. AR submitted that assessment in case of the assessee was completed ex-parte by NFAC vide order passed u/s 144 r.w.s 147 of the Income Tax Act dated 19.12.2019. The assessment was done ex-parte due to non-receipt of hearing notices as same were served on an incomplete email id and no physical notice was ever served on assessee during the assessment proceedings.

4. It was submitted that subsequently, an appeal against such order was filed before Id CIT(A), NFAC on 15.01.2020. While filing the appeal, an email address was given in Form 35 for necessary communication, however, no communication was received on the said email id and the notices were sent on some unknown email id. It was submitted that due to these peculiar facts, where the notices were neither served on the email id nor physically, the assessee couldn't attend to the appeal proceedings and the Id CIT(A) passed the impugned order due to non-prosecution.

5. It was submitted that the assessee is very much interested in prosecuting the matter and shall attend to the proceedings and an opportunity may be granted to represent its case on merits and the matter may accordingly be remanded to the AO for de-novo adjudication so that assessee can participate in the proceedings. It was submitted that the assessee has updated correct email ID on the income tax portal as of date and shall ensure full cooperation with income tax authorities for timely disposal of the proceedings.

6. Per contra, the Ld. DR submitted that the contention of the Ld. AR that the notices have been send on the wrong email id and no physical notices were served during the course of assessment proceedings is not totally correct as the notices were sent through speed post at registered address of the assessee as well and there is nothing on record which has been brought on record by the Ld. AR that the notices

sent through Speed Post have been received back undelivered. Further, it was fairly submitted that since there is no findings on the merit, the matter may be set aside for decision on merits.

7. Heard the rival contentions and perused the material available on record. Though the Id AR has submitted that notices were not received on the email-id at the same time, as pointed out by Id DR, notices, notices were sent through speed post as well. The assessee besides filing its return of income also needs to be diligent in attending to the notices issued by the Revenue authorities. Having said that, as submitted by both the parties, given that the matter was decided ex-parte by both the AO as well as Id CIT(A), the assessee is allowed one more opportunity and matter is remitted to the file of the AO to decide the same afresh as per law after providing reasonable opportunity to the assessee.

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

(Order pronounced in the open Court on 26/12/2024)

Sd/-

विक्रम सिंह यादव
(VIKRAM SINGH YADAV)
लेखा सदस्य / ACCOUNTANT MEMBER

AG

Date: 26/12/2024

आदेश की प्रतिलिपि अग्रेषित/ Copy of the order forwarded to :

1. अपीलार्थी/ The Appellant
2. प्रत्यर्थी/ The Respondent
3. आयकर आयुक्त/ CIT
4. विभागीय प्रतिनिधि, आयकर अपीलीय आधिकरण, चण्डीगढ़/ DR, ITAT, CHANDIGARH
5. गार्ड फाईल/ Guard File

आदेशानुसार/ By order,
सहायक पंजीकार/ Assistant Registrar