

the amount of Rs. 4,59,048/-. As per the AIR information, it was also noticed that assessee had deposited cash to the amount of Rs. 1,28,37,000/- during the year under consideration. The assessee failed to make compliance before the AO during the course of assessment proceedings, therefore, assessment was finalized u/s 144 of the Act. After considering the total turnover of the assessee, the assessing officer has computed income @ 8% of turnover of Rs. 28,37,048/- which comes to Rs. 10,26,964/- as income from business and profession.

3. The assessee filed appeal before the ld. CIT(A). The assessee has not made any compliance, therefore, the ld. CIT(A) has dismissed the appeal filed by the assessee.

4. Heard both the sides and perused the material on record. Before us, the ld. Counsel submitted that assessee firm was dissolved on 13.04.2010 on account of retirement of one of the partner of the partnership firm with effect from 31.12.2009. Therefore, the remaining partners has discontinued the business in the name of the assessee firm therefore notice of hearing issued by the ld. CIT(A) was not accessible to the assessee. He further submitted that Savings Bank Account in which the transaction of Rs. 1,28,37,048/- was reported infact held by the proprietorship firm under the name Riddhi Siddhi Enterprises and not by the partnership firm. Under the above circumstances, the ld. counsel requested to provide opportunity to the assessee at the level of First Appellate Authority for deciding the case of the assessee on merit after considering the relevant supporting details and submission.

5. In the light of above facts and circumstances and perusal of material placed on record, we find there is a bonafide reasons for not making compliance before the First Appellate Authority, therefore, we consider it appropriate to restore the case of the assessee to the file of Id. CIT(A) for deciding afresh on merit in accordance with the provisions of section 250(6) of the Act after providing three more opportunities to the assessee to make submission on the points raised. The assessee is also directed to make due compliance before the Id. CIT(A) without any failure. Accordingly, the appeal of the assessee is allowed for statistical purposes.

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

Order pronounced in the open court on 07.01.2025.

Sd/-

Sd/-

**(RAHUL CHAUDHARY)
JUDICIAL MEMBER**

**(AMARJIT SINGH)
ACCOUNTANT MEMBER**

Mumbai: 07.01.2025
Biswajit, Sr. P.S.

Copy to:

1. The Appellant:
2. The Respondent:
3. The CIT,
4. The DR .

//True Copy//

By Order

Assistant Registrar
ITAT, Mumbai Benches, Mumbai