

IN THE INCOME TAX APPELLATE TRIBUNAL PANAJI BENCH, PANAJI  
BEFORE SHRI PAVAN KUMAR GADALE, JUDICIAL MEMBER &  
SHRI G D PADMAHSHALI ACCOUNTANT MEMBER

I T A. Nos. 217/PAN/2024  
(A.Y. 2017-18 )

Chincholimath Muragaya Vinayak, 977B 18, Satti Road,Athani, Belagavi-591304, Karnataka.	Vs .	ITO-Ward-4, Civil Hospital Road, Belagavi-590001. Karnataka. .
PAN .No. AHUPV1022C		
(अपीलार्थी/Appellant)		(प्रत्यर्थी/Respondent)

Assessee by	Shri.Shivanand Halbhavi.AR
Revenue by	Shri.Narender Reddy.Sr.DR

सुनवाई की तारीख/Date of Hearing	07.01.2025
घोषणा की तारीख/Date of Pronouncement	08.01.2025

**ORDER**

**PER PAVAN KUMAR GADALE, JM:**

The appeal is filed by the assessee against the order of Addl/JCIT(A)-4 Kolkata passed u/sec 144 and u/sec 250 of the Act. The assessee has raised the grounds of appeal challenging the ex-parte order of the CIT(A) sustaining the addition made by the Assessing Officer.

2. The brief facts of the case are that, the assessee is an individual. The Assessing Officer (AO) based on the information and data analytics/ cash deposits data found that the assessee has made cash deposits in the HDFC

bank account Athani Branch during the demonetization period and the assessee has filed the return of income on 14-09-2019 with total income of Rs.7,08,688/-. Further the notice U/sec 142(1) of the Act along with questionnaire was issued and there was compliance. Whereas the A.O found that the assessee has made the cash deposit of Rs.68,93,945/- in the bank account in the F.Y.2017-18 and explanations were called to substantiate the deposits. Whereas the assessee has filed explanations/details pertaining to business income and professional income. The AO considering the information and evidences was not satisfied with the details to the extent of Rs.2,53,000/- and made the addition and assessed the total income of Rs.9,61,690/- and passed the order u/sec 144 of the Act dated 04.12.2019.

3. Aggrieved by the order, the assessee has filed an appeal before the CIT(A), whereas the CIT(A) has considered the grounds of appeal, statement of facts and findings of the AO and has issued notices of hearing and since there was no compliance by the assessee to notices. Therefore the CIT(A) considering the information on record has confirmed the action of the A.O and dismissed the appeal. Aggrieved by the order of the CIT(A), the assessee has filed an appeal before the Hon'ble Tribunal.

4. At the time of hearing, the Ld.AR submitted that the CIT(A) has erred in confirming the action of the Assessing officer overlooking the information of the assessment

proceedings. Further the assessee has a good case on merits and shall substantiate with the material evidences and prayed for an opportunity to explain before the lower authorities. Per Contra, the Ld.DR supported the order of the CIT(A).

5. We heard the rival submissions and perused the material on record. Prima-facie the CIT(A) has passed the order considering the fact that there is no compliance nor appearance in spite of providing adequate opportunity of hearing and the notices were issued. Therefore, the CIT(A) was of the opinion that the assessee is not interested in prosecuting the appeal and dismissed the appeal ex-parte confirming the action of the assessing officer. The CIT(A) has issued the notices of hearing referred at Page 5 of the order but there was no response and thus the Ld.CIT(A) came to a conclusion that the assessee is not interested and decided the appeal based on the information available on record. Whereas the assessee has raised grounds of appeal challenging the addition by the A.O and there could be various reasons for non appearance which cannot be overruled. Therefore, considering the facts and principles of natural justice, we shall provide with one more opportunity of hearing to the assessee to substantiate the case with evidences and information subject to payment of cost of Rs.500/- to the Income Tax Department within one month from the date of receipt of the order and produce the proof of payment. Accordingly, we set aside the order of

the CIT(A) and remit the entire disputed issues to the file of the CIT(A) to adjudicate afresh on the disputed issue and the assessee should be provided adequate opportunity of hearing and shall cooperate in submitting the information. And we allow the grounds of appeal of the assessee for statistical purposes.

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

Order pronounced in the open court on 08.01.2025.

Sd/-  
**(GD PADMAHSHALI)**  
**ACCOUNTANT MEMBER**

Sd/-  
**(PAVAN KUMAR GADALE)**  
**JUDICIAL MEMBER**

Panaji Dated: 08/01/2025

**Copy of the Order forwarded to:**

1. The Appellant,
2. The Respondent
3. The CIT(A)-
4. CIT
5. DR, ITAT,
6. Guard file.

//True Copy//

BY ORDER,  
(Asstt. Registrar)ITAT,  
Panaji

		Date	<u>Initial</u>	
1.	Draft dictated on			PS
2.	Draft placed before author			PS
3.	Draft proposed & placed before the second member			PS
4.	Draft discussed/approved by Second Member.			PS
5.	Approved Draft comes to the Sr.PS/PS			PS
6.	Kept for pronouncement on			
7.	File sent to the Bench Clerk			
8.	Date on which file goes to the AR			
9.	Date on which file goes to the Head Clerk.			
10.	Date of dispatch of Order.			
11.	Dictation Pad is enclosed			