

आयकर अपीलीय अधिकरण, 'बी' न्यायपीठ, चेन्नई।
IN THE INCOME TAX APPELLATE TRIBUNAL
'B' BENCH: CHENNAI

श्री एबी टी. वर्की, न्यायिक सदस्य एवं श्री अमिताभ शुक्ला, लेखा सदस्य के समक्ष
BEFORE SHRI ABY T VARKEY, JUDICIAL MEMBER AND
SHRI AMITABH SHUKLA, ACCOUNTANT MEMBER
आयकर अपील सं./ITA No.1776/Chny/2024
निर्धारण वर्ष /Assessment Years: 2017-18

Pollangi Chinnappan Chittybabu,
No.3/97, Thattaparai Village,
Kadavalam Post,
Thuthipet Via Ambur,
Vellore Dist,
Tamil Nadu-635811
[PAN: AHJPC3990P]

Income Tax Officer,
Ward-3,
Vellore.

आयकर अपील सं./SA No.34/Chny/2024
(ITA No.1776/Chny/2024)
निर्धारण वर्ष /Assessment Years: 2017-18

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से/ Assessee by

: Shri A.S.Harihara Kumar, C.A.

प्रत्यर्थी की ओर से /Revenue by

: Shri Keerthi Narayanan, JCIT

सुनवाई की तारीख/Date of Hearing

: 24.12.2024

घोषणा की तारीख /Date of Pronouncement

: 12.02.2025

आदेश / ORDER

PER AMITABH SHUKLA, A.M :

These appeals are filed by the assessee against the order bearing
DIN & Order No. ITBA/NFAC/S/250/2024-25/1064426150(1) dated
29.04.2024 of the Learned Commissioner of Income Tax [herein after
"CIT(A), National Faceless Appeal Center[NFAC], Delhi, for the
assessment years 2017-18 and Stay Petition No.34/Chny/2024 arising
out of ITA No.1776/Chny/2024 for the assessment year 2017-18.

:- 2 -:

Through the aforesaid appeals the assessee has challenged order u/s 250 dated 29.04.2024 passed by NFAC, Delhi.

2.0 The Ld. Counsel for the assessee informed that the main issue in the present appeal is that the Ld. First Appellate Authority has disposed of its appeal without giving proper opportunity is being heard. The Ld. Counsel explained that in the instant case, the Ld. AO had made addition of Rs.62,41,500/- u/s 69 of the act. The Ld. AO had noted that total credit of Rs.2,67,16,505/- was found in various bank accounts of the assessee, whereas the credits as per trading results were only Rs.48,43,311/- leading to an unexplained gap of Rs. 2,18,73,194/-. The Ld. Counsel submitted that the Ld. AO was not convinced of the assessee's claim of intra accounts transfer. Observing that the case was selected for scrutiny to enquire into cash deposits made during the year, the Ld. AO proceed to add Rs.62,41,500/- u/s 69 of the act as unexplained cash deposits in accounts held by the assessee with Canara Bank and State Bank of India. The Ld. Counsel further informed that during the appellate proceedings it had introduced additional evidences before the Ld.CIT(A) who had called for a remand report from the Ld. AO under rule 46A. In the said remand report the Ld. AO had objected to admission of additional evidences. The Ld.CIT(A) had confronted the impugned evidences to the assessee and in the absence of any reply

:- 3 -:

concluded that the assessee is not interested in prosecuting its case and therefore he rejected the additional evidences. The Ld. CIT(A) however had however given a relief of Rs. 15 lakhs to the assessee. The Ld. Counsel thus pleaded for relief. The Ld. DR relied upon the order of authorities below.

3.0 We have heard the rival submissions in the light of material available on records. It is an undisputed fact of the case that the Id. AO had made the impugned additions for want of requisite details from the assessee. The assessee had pleaded submission of additional evidences which were contested by the Id. AO in his remand report. It is also an admitted fact of the case that the assessee had not been able to respond to the solitary opportunity given by the Ld. CIT(A). Reasonable opportunity of being heard is the foundation stone of natural justice and cannot be violated by any quasi-judicial authority. We are of the view that the Ld. CIT(A) ought to have given another opportunity to the assessee to defend its case. Accordingly, we are of the view that ends of justice would be met if assessee is given one more opportunity to pursue its case before the Ld. First Appellate Authority. The order of the Ld.CIT(A) is therefore set aside and he is directed to re-adjudicate the matter qua addition confirmed by him after giving due opportunity of being heard and by passing a speaking order. The assessee shall comply to

:- 4 -:

all the statutory notices issued and any non-compliance shall be adversely viewed. Accordingly, all the grounds of appeal raised by the assessee are allowed for statistical purposes.

SA No.34/Chny/2024, Assessment Years: 2017-18

4.0 As the main appeal of the assessee raised vide ITA No.1776/Chny/2024 stands disposed as above, the present stay petition No.34/Chny/2024 moved by the assessee has become infructuous and hence dismissed.

5.0. In the result, the appeals raised by the assessee are allowed for statistical purposes

Order pronounced on 12th, February-2025 at Chennai.

Sd/-

(एबी टी. वर्की)

(ABY T VARKEY)

न्यायिक सदस्य / Judicial Member

Sd/-

(अमिताभ शुक्ला)

(AMITABH SHUKLA)

लेखा सदस्य /Accountant Member

चेन्नई/Chennai, दिनांक/Dated: 12th, February-2025.

KB/-

आदेश की प्रतिलिपि अग्रेषित/**Copy to:**

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकर आयुक्त/CIT – Chennai.
4. विभागीय प्रतिनिधि/DR
5. गार्ड फाईल/GF