

**IN THE INCOME TAX APPELLATE TRIBUNAL
COCHIN BENCH**

**BEFORE SHRI INTURI RAMA RAO, AM
AND SHRI SOUNDARARAJAN K., JM**

**ITA No. 716/Coch/2023
& SA No. 186/Coch/2023
Assessment Year: 2017-18**

M.P. Manoharan Appellant
Vinayasree, Keezhur P.O., Iritty
Kannur 670703
[PAN: ADGPM2741P]

vs.

The Income Tax Officer Respondent
Ward - 3, Kannur

Appellant by: Shri Arun Raj S., Advocate
Respondent by: Smt. Leena Lal, Sr. D.R.

Date of Hearing: 03.02.2025
Date of Pronouncement: 21.02.2025

ORDER

Per: Inturi Rama Rao, AM

This appeal filed by the assessee is directed against the order of the National Faceless Appeal Centre, Delhi [CIT(A)], dated 09.08.2023 for Assessment Year (AY) 2017-18.

2. Brief facts of the case are that the appellant is an individual. The return of income for AY 2017-18 was filed on 20.02.2018 declaring total income of Rs. 9,18,540/- . Against the said return of income, the assessment was completed by the Income Tax Officer,

Ward-3, Kannur (hereinafter called "the AO") vide order dated 20.12.2019 passed u/s. 143(3) of the Income Tax Act, 1961 (the Act) at a total income of Rs. 57,90,234/-. While doing so, the AO made addition on account of cash deposits in specified bank notes (SBN) made during the demonetisation period of Rs. 47,48,000/- for failure of the appellant to explain the source.

3. Being aggrieved, an appeal was filed before the CIT(A), who vide the impugned order disposed of the appeal exparte for non-prosecution.

4. Being aggrieved, the appellant is in appeal before us in the present appeal.

5. It is submitted during the course of hearing that the appellant could not put in appearance before the CIT(A), as the hearing notices were served through email, which went to the spam folder. Therefore, it is prayed that the matter may be remanded to the file of AO.

6. On the other hand, the learned Sr. DR has not raised any serious objection.

7. We have heard the rival contentions and perused the material available on record. We find that the proceedings before the CIT(A) were taken up during the Covid-19 pandemic period except one notice dated 16.12.2023. Furthermore, in the absence of hearing

notice, which were served through email and went unnoticed by the appellant, the appellant could not put in appearance before the CIT(A). Therefore, we are satisfied that the appellant was prevented by sufficient and reasonable cause from putting in appearance before the CIT(A). Accordingly, the matter is remitted back to the file of the CIT(A) for fresh adjudication after affording reasonable opportunity of hearing the assessee.

8. Since the appeal is disposed of, the stay petition filed by the assessee becomes infructuous.

9. In the result, the appeal stands allowed for statistical purposes and stay application is dismissed as infructuous.

Order pronounced in the open court on 21st February, 2025.

Sd/-
(SOUNDARARAJAN K.)
JUDICIAL MEMBER

Sd/-
(INTURI RAMA RAO)
ACCOUNTANT MEMBER

Cochin, Dated: 21st February, 2025

n.p.

Copy to:

1. The Appellant
2. The Respondent
3. The Pr. CIT concerned
4. The Sr. DR, ITAT, Cochin
5. Guard File

Assistant Registrar
ITAT, Cochin