

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

BEFORE SHRI INTURI RAMA RAO, AM

**ITA No. 77/Coch/2025
Assessment Year: 2021-22**

Rasily Thenammackal Kunjupilla Appellant
Thenammackal House, Kanjirappally 686507
[PAN: AEHPK6306C]

vs.

The Income Tax Officer, Ward-1 Respondent
Sastri Road, Kottayam 686001

Appellant by: Shri Prasanth Srinivas, CA
Respondent by: Smt. Leena Lal, Sr. D.R.

Date of Hearing: 11.02.2025
Date of Pronouncement: 24.02.2025

ORDER

This appeal filed by the assessee is directed against the order of the National Faceless Appeal Centre (NFAC), Delhi [CIT(A)] dated 08.11.2024 for Assessment Year (AY) 2021-22.

2. Brief facts of the case are that appellant is an individual earning income primarily from house property. The return of income for AY 2021-22 was filed on 31.11.2021 declaring total income of Rs. 5,15,730/-. Against the said return of income, the assessment was completed by the Income Tax Officer, Ward-1, Kottayam (hereinafter called "the AO") vide order dated 21.12.2022 passed u/s. 143(3) r.w.s. 144B of the Income Tax Act, 1961 (the Act) at a total income of Rs. 34,91,730/-. While doing

so the AO made an addition of Rs. 29,76,000/- u/s. 69A of the Act as unexplained money.

3. Being aggrieved, an appeal was filed before the CIT(A), who vide the impugned order dismissed the appeal *exparte* for non prosecution placing on the decision of the Hon'ble Supreme Court in the case of Ramlal vs. Rewa Coalfield Ltd. AIR 196 SC 361 and a few other orders.

4. Being aggrieved, the assessee is in appeal before the Tribunal in the present appeal.

5. I heard the rival contentions of the parties and perused the material available on record. I find that the learned CIT(A) dismissed the appeal *in limine* for non prosecution. As contemplated u/s. 250(6) of the Act the CIT(A) is required to frame points of determination followed by a detailed discussion thereupon before passing the order. It is the settled position of law that the CIT(A), even while disposing of the appeal *exparte*, is duty bound to dispose of the appeal on merits. Reliance in this regard can be placed on the decision of the Hon'ble Bombay High Court in the case of PCIT vs. Premkumar Arjundas Luthra 279 CTR 614. Therefore, in the light of the above legal position I am of the considered view that the matter requires to be remanded to the file of the CIT(A) with the direction to dispose of the appeal *de novo* on merits after affording reasonable opportunity of hearing to the assessee.

6. In the result, the appeal filed by the assessee is allowed for statistical purposes
7. Order pronounced in the open court on 24th February, 2025.

Sd/-
(INTURI RAMA RAO)
ACCOUNTANT MEMBER

Cochin, Dated: 24th 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