

आयकर अपीलीय अधिकरण, 'सी' न्यायपीठ, चेन्नई
IN THE INCOME TAX APPELLATE TRIBUNAL, 'C' BENCH, CHENNAI
श्री मनु कुमार गिरि, न्यायिक सदस्य एवं श्री एस.आर.रघुनथ लेखक सदस्य के समक्ष
BEFORE SHRI MANU KUMAR GIRI, JUDICIAL MEMBER
AND SHRI S.R.RAGHUNATHA, ACCOUNTANT MEMBER

आयकर अपील सं./I.T.A.No.534/Chny/2025
(निर्धारण वर्ष / Assessment Year: 2017-18)

Mr. Abdulmujib Amanulaa, # 8/11, Palladam Road, Pollachi, Coimbatore-642 002.	Vs	The Income Tax Officer, Ward-1, Pollachi.
PAN : ALYPA-0538-Q		
(अपीलार्थी/Appellant)		(प्रत्यर्थी/Respondent)

अपीलार्थीकीओरसे/ Appellant by	:	Mr. Anandd Babunath, F.C.A.
प्रत्यर्थीकीओरसे/Respondent by	:	Ms. Anitha, Addl. CIT

सुनवाईकीतारीख/Date of hearing	:	24.04.2025
घोषणाकीतारीख /Date of Pronouncement	:	28.04.2025

आदेश / O R D E R

PER MANU KUMAR GIRI, JM:

The captioned appeal filed by the assessee is directed against the order of the Ld. Commissioner of Income Tax (Appeals) (NFAC) Delhi [CIT(A)] dated 12.02.2025 for Assessment Year 2017-18.

2. Brief facts are as follows:

The assessee is an individual, engaged in the business of retail in pharmaceutical products in the name of M/s.Arasan Medicals. During the course of assessment proceedings, it was noticed by the AO that assessee has deposited cash amounting to Rs.10,07,630/- into his bank account during demonetization period. Therefore, the AO issued notice u/s.142(1) of the Act on 12.02.2018. But the assessee failed to comply with the notice as well as show cause notice dated 17.06.2019. Thus, the AO completed the assessment u/s.144 of the

Act by passing ex-parte order on best judgment basis and made addition of Rs.10,07,630/-

3. Aggrieved, the assessee challenged order of assessment passed u/s.144 of the Act before the CIT(A). However, the assessee neither filed written submissions nor any evidences in support of its claim and failed to comply with the notices issued by CIT(A). Therefore, the CIT(A) dismissed the appeal filed by the assessee. Now, assessee is in appeal before us.

4. We have heard both the parties and perused records. Before us, the Id. Counsel for assessee submitted that assessee was not aware about the notices and the CIT(A) has passed an ex-parte order without providing sufficient opportunity of being heard. Therefore, he pleaded that the assessee may be provided an adequate and proper representation time to file evidence and documents, if any, to substantiate his case before the CIT(A). The Id.DR stated that the assessee is habitual defaulter in appearing before the appellate authority hence, no lenient view is to be taken in this case and prayed for dismissal of the appeal.

5. Though, we concur with the submissions of Ld. Sr. DR however, keeping in mind the principle of natural justice and grant another opportunity of hearing to the assessee. We also find that assessee has not represented before the Id.CIT(A) as well as before the AO despite notices for the reasons stated above. Therefore, the impugned order is set aside and the appeal is restored back to the file of AO for denovo assessment, after affording proper opportunity

of hearing to the assessee, subject to cost of Rs.10,000/- which shall be deposited by the assessee within 30 days from the date of receipt of the order to 'Tamil Nadu State Legal Services Authority' at Hon'ble High Court of Madras. The proof of the cost deposit will be furnished by the Assessee before AO. The assessee is directed to substantiate its case with all evidence and documents, if any, forthwith without any fail, failing which AO shall be at liberty to proceed with proceedings on merits as per law. The Id. counsel, who appeared also assured the bench that he will ensure that the assessee will prosecute the case diligently.

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

Order pronounced in the open court on 28th April, 2025

Sd/-
(एस .आर.रघुनाथा)
(S.R.Raghunatha)
लेखा सदस्य / Accountant Member

Sd/-
(मनु कुमार गिरि)
(Manu Kumar Giri)
न्यायिक सदस्य/ Judicial Member

चेन्नई/Chennai,
दिनांक/Date:28.04.2025
DS

आदेश की प्रतिलिपि अग्रेषित/Copy to:

- 1.Appellant
- 2.Respondent
3. आयकर आयुक्त/CIT Chennai/Madurai/Coimbatore/Salem
4. विभागीय प्रतिनिधि/DR
5. गार्ड फाईल/GF.