

**IN THE INCOME TAX APPELLATE TRIBUNAL
AGRA BENCH 'SMC' AGRA**

(Through Physical/Virtual Hearing)

**BEFORE SHRI SUNIL KUMAR SINGH, JUDICIAL MEMBER
AND
SHRI BRAJESH KUMAR SINGH, ACCOUNTANT MEMBER**

**ITA No.279/Agr/2024
[Assessment Year: 2010-11]**

Dashrath Singh Tomar, B3-2001, ECO Villa 1, Supertech, Noida, Gautam Budhnagar, Uttar Pradesh-201306	Vs	ACIT, Circle-1(1), Gwalior, Aayakar Bhawan, Gwalior, Madhya Pradesh
PAN-AGEPT3854F		
Appellant		Respondent

Appellant by	Shri Saurabh Gupta, Adv.
Respondent by	Shri Shailender Srivastava, Sr. DR

Date of Hearing	02.04.2025
Date of Pronouncement	02.04.2025

ORDER

PER BRAJESH KUMAR SINGH, AM,

This appeal filed by the assessee is directed against the order dated 24.06.2024 of National Faceless Appeal Centre, Delhi, relating to Assessment 2010-11 arising out of order u/s 144 r.w.s. 147 of the Income Tax Act, 1961 (hereinafter referred to 'the Act') dated 18.12.2017 passed by the Asst. Commissioner of Income Tax, Circle-1(1), Gwalior.

2. The assessment in this case was completed u/s 144 r.w.s. 147 of the Act on 18.12.2017. On going through the details available on AST, the Assessing Officer found that total purchase of shares amounting to Rs.81,09,974/- was made by the assessee and after deducting the value

of sale of shares sold amounting to Rs.64,01,839/-, the net value of purchases was Rs.17,08,135/-. The Assessing Officer asked the assessee to explain the source of investment in purchase of shares of Rs.17,08,135/-. The assessee did not make any compliance, therefore, the Assessing Officer added a sum of Rs.17,08,135/- to the total income of the assessee.

3. In appeal, the ld. CIT(A) dismissed the appeal of the assessee by passing a general remark that the appellant failed to explain the source of investment in shares with supporting evidence. However, no details of opportunity given by the ld. CIT(A) during the appellate proceedings was stated in the appellate order.

4. Against the said order, the assessee is in appeal before us.

5. The Ld. Counsel for the assessee submitted that the assessee could not appear during the appellate proceedings because in this case, the order was never served upon him as the assessee was employed at Delhi/Noida during the said period. Moreover, the ld. CIT(A) has also not given any details of opportunities of being heard given to the assessee.

6. The ld. Sr. DR relied upon the orders of the authorities below.

7. We have heard both the parties. On perusal of the statement of facts of the assessee and submission of the ld. Counsel for the assessee, we are of the considered view that in the interest of justice, one more opportunity be given to the assessee to represent his case. We, therefore, set-aside the order of the Assessing Officer and the ld. CIT(A) and restore the matter to the file of the AO to pass an order afresh after giving a reasonable

opportunity of being heard to the assessee. Further, the assessee is also directed to appear before the AO. Accordingly, grounds of appeal raised by the assessee are allowed for statistical purposes.

8. In the result, the appeal of the assessee is allowed for statistical purpose.

Order pronounced in the open court on 2nd April, 2025.

Sd/-
[SUNIL KUMAR SINGH]
JUDICIAL MEMBER

Dated 02.04.2025.

Shekhar

Copy forwarded to:

1. Appellant
2. Respondent
3. PCIT
4. CIT(A)
5. DR

Sd/-
[BRAJESH KUMAR SINGH]
ACCOUNTANT MEMBER

Asst. Registrar,
ITAT, New Delhi,