

IN THE INCOME TAX APPELLATE TRIBUNAL
HYDERABAD “B” BENCH: HYDERABAD

BEFORE SHRI MANJUNATHA G, ACCOUNTANT MEMBER
AND
SHRI RAVISH SOOD, JUDICIAL MEMBER

ITA.No.196/Hyd./2025
Assessment Year 2017-2018

Sayeed Ahmed Nalband, KURNOOL – 518 001. Andhra Pradesh PAN AEFPN2207P	vs.	The ACIT, Circle-1, Kurnool. Andhra Pradesh.
(Appellant)		(Respondent)

For Assessee :	CA Mohammad Ammar
For Revenue :	MS. Reema Yadav, Sr. AR

Date of Hearing :	30.04.2025
Date of Pronouncement :	30.04.2025

ORDER

PER MANJUNATHA G. :

This appeal has been filed by the assessee against the order dated 09.12.2024, of the learned CIT(A)-National Faceless Appeal Centre [in short the “NFAC”] Delhi, relating to the assessment year 2017-2018.

2. Briefly stated facts of the case are that, the assessee is an individual and filed his return of income on

29.03.2018 declaring total income of Rs.28,16,850/-. The case of the assessee has been selected for scrutiny under 'CASS' on account of large cash deposit to the tune of Rs.6,24,70,420/- in ICICI bank account during the impugned assessment year 2017-2018. Therefore, the Assessing Officer issued statutory notice u/sec.142(1) of the Act calling the assessee to explain the source of the cash deposit into the bank account. In absence of any reply from the side of the assessee, the Assessing Officer assessed the income of the assessee at Rs.3,01,10,039/- by making addition of Rs.2,72,93,189/- u/sec.57 of the Act as against the returned income of the assessee at Rs.28,16,850/- vide order dated 29.12.2019 passed u/sec.143(3) of the Income Tax Act, 1961.

3. On being aggrieved, the assessee carried the matter in appeal before the learned CIT(A). Despite issue of four notices u/sec.250 of the Act by the learned CIT(A) dated 06.11.2024, 14.11.2024, 25.11.2024 and 29.11.2024, the assessee did not file any reply. In absence of any documentary evidences filed by the assessee to substantiate

his case, the learned CIT(A) sustained the addition made by the Assessing Officer by dismissing the appeal of the assessee for non-prosecution.

4. Aggrieved by the order of the learned CIT(A), the assessee is now in appeal before the Tribunal.

5. CA Mohammad Ammar, Learned Counsel for the Assessee, submitted that, adequate opportunity of hearing has not been provided by both the lower authorities to substantiate the case of the assessee. He, therefore, submitted that the matter may be restored back to the file of Assessing Officer for afresh verification in the interest of justice.

6. MS. Reema Yadav, Sr. AR for the Revenue, on the other hand, supporting the orders of the lower authorities submitted that, it is not a fit case to remit the matter in issue back to the file of Assessing Officer for verification as the assessee did not respond to the notices either before the Assessing Officer or during the course of first appellate proceedings. She submitted that it is the settled position of

law that, appeal does not mean mere filing of appeal, but, effectively pursuing it as held by the Hon'ble Supreme Court in the case of CIT vs., BN Bhattacharya 118 ITR 461 (SC). She accordingly submitted that the order of the learned CIT(A) be confirmed.

7. We have heard both the parties, perused the material on record and the orders of the authorities below. We find that, it is an admitted fact that, both the lower authorities are passed ex-parte orders. It was the submission of the Learned Counsel for the Assessee that adequate opportunity of being heard has not been provided by both the lower authorities and thereby, they have violated the principles of natural justice and made the impugned addition arbitrarily and, therefore, in the interest of justice, requested to remit the matter in issue back to the file of Assessing Officer for verification. Considering the facts and circumstances of the case, we find that, providing of one more opportunity to the assessee will meet the ends of justice to substantiate his case. Therefore, we set-aside the order of the learned CIT(A) and restore the matter in issue

back to the file of Assessing Officer for fresh verification by giving adequate opportunity of being heard to the assessee. Accordingly, the grounds raised by the assessee are allowed for statistical purposes.

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

Order pronounced in the open Court on 30.04.2025

Sd/-
[RAVISH SOOD]
JUDICIAL MEMBER

Sd/-
[MANJUNATHA G]
ACCOUNTANT MEMBER

Hyderabad, Dated 30th April, 2025

VBP

Copy to

1.	Sayeed Ahmed Nalband, 36/290, Chittari Street, KURNOOL. PIN – 518 001. Andhra Pradesh
2.	The Assistant Commissioner, Income Tax Office, Opp. Chuildren's Park, NR Pet, Kurnool. Andhra Pradesh.
3.	The Pr. CIT, Kurnool, Hyderabad.
4.	The DR ITAT "B" Bench, Hyderabad.
5.	Guard File.

//By Order//

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