

आयकर अपीलिय अधिकरण, 'डी' न्यायपीठ, चेन्नई
IN THE INCOME-TAX APPELLATE TRIBUNAL 'D' BENCH, CHENNAI
श्री एस.एस. विश्वनेत्र रवि, न्यायिक सदस्य एवं श्री जगदीश, लेखा सदस्य के समक्ष ।
Before Shri S.S. Viswanethra Ravi, Judicial Member &
Shri Jagadish, Accountant Member

आयकर अपील सं./I.T.A. No.579/Chny/2025
निर्धारण वर्ष/Assessment Year: 2017-18

Srinivasan Varatharaj,
11, Kandan Street, Perambur S.O.,
Perambur, Chennai 600 011.

Vs. The Assistant Commissioner of
Income Tax,
Non Corporate Ward 10(1),
Chennai 600 034.

[PAN:AVJPS1866L]

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से / Appellant by

Shri Sricharan, CA &

: Ms. Srinithi, Advocate for

Shri N.V. Balaji, Advocate

प्रत्यर्थी की ओर से/Respondent by

: Shri M.P. Guru Prasad, Addl. CIT

सुनवाई की तारीख/ Date of hearing

: 22.04.2025

घोषणा की तारीख /Date of Pronouncement

: 30.04.2025

आदेश / O R D E R

PER S.S. VISWANETHRA RAVI, JUDICIAL MEMBER:

This appeal filed by the assessee is directed against the order dated 08.11.2024 passed by the Id. Commissioner of Income Tax (Appeals), National Faceless Appeal Centre [NFAC], Delhi for the assessment year 2017-18.

2. We find that this appeal is filed with a delay of 27 days. The assessee filed a petition for condonation of delay stating the reasons.

Upon hearing both the parties and on examination of the said petition, we

find the reasons stated by the assessee are bonafide, which really prevented in filing the appeal in time. Thus, the delay is condoned and admitted the appeal for adjudication.

3. The assessee mainly challenged the exparte order passed by the Id. CIT(A) besides challenging issues on merits.

4. Brief facts relating to the issue are that the assessee is an individual, running a provision stores and filed his return of income for AY 2017-18 on 31.10.2017 declaring taxable income of ₹.14,51,170/-. As per information available with the Department, the assessee made cash deposits of ₹.4,58,30,000/- during demonetization period in bank account maintained with the Indian Bank. Accordingly, after passing order under section 148A(d) of the Income Tax Act, 1961 ["Act" in short], the Assessing Officer issued notice under section 148 of the Act, besides, issuing notices under section 142(1) of the Act. After verification of details filed against notice under section 142(1) of the Act, the Assessing Officer noted that the assessee made cash deposit during demonetization period to the tune of ₹.1,07,55,000/-, out of which, ₹.46,15,000/- were in SBNs. Since the assessee could not furnish satisfactory explanation with documentary evidence towards source of such cash deposit in SBNs, the Assessing Officer treated an amount to an extent of ₹.46,15,000/- as

income from undisclosed sources and added to the total income of the assessee. Further, the Assessing Officer noted that the assessee made payment of ₹.50,00,000/- towards purchase of immovable property (section 194IA of the Act). Since the assessee failed to furnish conclusive documentary evidence for the source of fund for purchase of immovable property against specific statutory notices, the Assessing Officer treated the same as unexplained investment under section 69 r.w.s. 115BBE of the Act. On appeal, the Id. CIT(A) dismissed the appeal of the assessee for want of prosecution. On being aggrieved, the assessee is in appeal before the Tribunal.

5. The Id. AR Shri Sricharan, C.A. submits that the assessee is running a provision store/grocery store, which always generate cash sales as it is a business of cash and carry on a day-to-day basis and moreover, not conversant with the e-proceedings and thereby, unable to respond to the notices issued by the Id. CIT(A). He also submits that the assessee is ready to furnish all details in support of the ground raised before the Id. CIT(A) and prayed to remand the matter to the file of the Id. CIT(A) for fresh consideration by affording opportunity to the assessee.

6. The Id. DR Shri M.P. Guru Prasad, Addl. CIT objected the submissions of the Id. AR by contending that the Id. CIT(A) had given

various opportunities to the assessee, but, however, the assessee has not utilized the same in furnishing the details in support of the grounds raised by him. He supported the order of the Id. CIT(A).

7. Having heard both the parties and on perusal of the record, we note that the assessee could not furnish any details in support of the grounds raised by the assessee before the Id. CIT(A). Taking into consideration the facts and circumstances of the case and the issue involved therein, in the interest of justice, we deem it proper to remand the matter to the file of the Id. CIT(A) to decide the issue afresh after considering the written submissions/documentary evidences as may be filed by the assessee to substantiate his claims. The assessee is also directed to furnish complete details in support of the grounds raised before the Id. CIT(A). Thus, the grounds raised by the assessee are allowed for statistical purposes.

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

Order pronounced on 30th April, 2025 at Chennai.

Sd/-
(JAGADISH)
ACCOUNTANT MEMBER

Sd/-
(S.S. VISWANETHRA RAVI)
JUDICIAL MEMBER

Chennai, Dated, 30.04.2025

Vm/-

आदेश की प्रतिलिपि अग्रेषित/Copy to:

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