

**IN THE INCOME TAX APPELLATE TRIBUNAL
'A' BENCH : BANGALORE**

**BEFORE SHRI LAXMI PRASAD SAHU, ACCOUNTANT MEMBER
AND
SHRI SOUNDARARAJAN K., JUDICIAL MEMBER**

ITA No. 500/Bang/2025
Assessment Year : 2018-19

Shri Gautham Kempamma, 203, Gitanjali Lake View Apts, Old Madras Road, Bennaganahalli, Bangalore – 560 016. PAN: CJGPK6466H	Vs.	The Income Tax Officer, Ward – 1 (2)(1), Bangalore.
APPELLANT		RESPONDENT

Assessee by	:	Shri H. Guruswamy, ITP
Revenue by	:	Shri N. Balusamy, JCIT-DR

Date of Hearing	:	14-05-2025
Date of Pronouncement	:	16-05-2025

ORDER

PER SOUNDARARAJAN K., JUDICIAL MEMBER

This is an appeal filed by the assessee challenging the order of the NFAC, Delhi dated 20/08/2024 in respect of the A.Y. 2018-19 and raised the following grounds of appeal:

<i>Grounds of Appeal</i>		<i>Tax effect relating to each Ground of appeal (see note below)</i>
1.	<i>The impugned Ex-parte Appellate Order u/s. 250 of the Act dated: 20-08-2024 passed by the Ld. CIT(A), National Faceless Appeal Centre, Delhi is opposed to law, facts and circumstances of the case.</i>	<i>Rs.6,75,28,122/-</i>
2.	<i>The Ld. CIT(A) has erred in confirming the addition of Rs. 4,42,14,290/-by passing Ex-parte Appellate Order without adjudicating the grounds of appeal on merits of the case.</i>	<i>Rs.6,75,28,122/-</i>
3.	<i>The Ld. CIT(A) has erred in dismissing the Appeal without adjudicating the Grounds of Appeal No. 2, 3, 4 and 5 relating to the validity of the Notices issued for initiating the assessment proceedings by the JAO.</i>	<i>Rs.6,75,28,122/-</i>
4.	<i>The Ld. CIT(A) has erred in confirming the addition of Rs. 4,42,14,290/- on the ground of non-compliance of 3 Hearing Notices issued without appreciating the fact the Assessee was not aware of such Notices.</i>	<i>Rs.6,75,28,122/-</i>
5.	<i>The Appellant craves leave to add, alter, amend and delete any of the grounds at the time of hearing.</i>	<i>Rs. 6,75,28,122/-</i>
<i>Total Tax Effect</i>		<i>Rs. 6,75,28,122/-</i>

2. The assessee filed the present appeal with a delay of 139 days and enclosed an application for condoning the said delay. The assessee submitted that he has not verified the portal and not received any SMS about the communicating of the appellate order. Only when the AO had

attached the bank account, the assessee came to know about the appeal order and thereafter the appeal was prepared and filed before the Tribunal on 07/03/2025 and prayed to condone the said delay of 139 days in filing the appeal before this Tribunal.

3. We have considered the said submissions made by the assessee and in the interest of justice, we are condoning the said delay in filing the appeal and proceeded to take up the main appeal for hearing.

4. The Ld.AR brought to our notice that the order of the Ld.CIT(A) is not a speaking order and further submitted that the assessee had not received any message about the hearing notices either in the mobile phone or in the email ID and therefore the assessee was not able to appear before the Ld.CIT(A). The Ld.AR also further submitted that the assessment order is also passed without hearing the assessee and therefore submitted that both the assessment order as well as the appellate order are liable to be set aside.

5. The Ld.DR submitted that the assessee had not responded to the various notices including the show cause notice issued by the AO as well as for the hearing notices issued by the Ld.CIT(A) and therefore the assessee does not require any leniency and prayed to dismiss the appeal filed by the assessee.

6. We have heard the arguments of both sides and perused the materials available on record.

7. We have perused the assessment order and came to know that the assessee had not responded to the notices issued u/s. 143(2) and 142(1) and to the show cause notice issued on 07/03/2023. In such circumstances, the AO had made the assessment based on the documents available with him. Even before the Ld.CIT(A), the assessee had not appeared and no written submissions and documents were filed before the

Ld.CIT(A). Hence the assessee was not diligent in prosecuting the appeal as well as the assessment proceedings before the AO.

8. We have also perused the order of the Ld.CIT(A) which is also a cryptic order and not even discussed about the details of the three notices issued by him. The Ld.CIT(A) had also not considered the issue on merits. In such circumstances, before both the authorities the assessee had not availed the opportunity but unfortunately, the order of the Ld.CIT(A) is also not a speaking order. Therefore, in order to decide the issue on merits, we are setting aside both the orders of the AO as well as the Ld.CIT(A) and remit the issue to the file of the AO for denovo consideration. We are giving this concession only on the terms that the assessee should pay a cost of Rs. 20,000/- towards the Prime Minister's National Relief Fund within a period of four weeks from the date of receipt of this order and produce the copy of the receipt before the AO, otherwise the order of the Ld.CIT(A) would be restored automatically.

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

Order pronounced in the open court on 16th May, 2025.

Sd/-
(LAXMI PRASAD SAHU)
Accountant Member

Sd/-
(SOUNDARARAJAN K.)
Judicial Member

Bangalore,
Dated, the 16th May, 2025.
/MS /

Copy to:

1. Appellant
3. CIT
5. Guard file

2. Respondent
4. DR, ITAT, Bangalore
6. CIT(A)

By order

Assistant Registrar,
ITAT, Bangalore