

**IN THE INCOME TAX APPELLATE TRIBUNAL
SURAT BENCH, SURAT**
[conducted through Hybrid mode]

**BEFORE SHRI T.R.SENTHIL KUMAR JUDICIAL MEMBER AND
SHRI BIJAYANANDA PRUSETH, ACCOUNTANT MEMBER**

ITA No.275/SRT/2025
Assessment Year : 2011-12

Shweta Pareshkumar Jain C-904 Jolly Residency Nayapura Karva Road Vesu, Surat – 395 007	v/s.	The Income Tax Officer Ward-2(3)(4) Surat – 395 001
PAN: ASKPP 6811 E		
(Appellant)		(Respondent)
Assessee by :	Shri Mehul Shah, CA	
Revenue by :	Shri Ajay Uke, Sr.DR	

Date of Hearing : 03/07/2025
Date of Pronouncement: 16/07/2025

ORDER

PER T.R.SENTHIL KUMAR JUDICIAL MEMBER:

This appeal is filed by the assessee as against the *ex-parte* appellate order dated 31/01/2025 passed by the Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi [hereinafter referred to as "CIT(A)"] arising out of the re-assessment order passed u/s.147 r.w.s.144 of the Income Tax Act, 1961 (hereinafter referred to as "the Act") relating to the Assessment Year (AY) 2011-12.

2. The brief facts of the case are that the assessee is an individual has not filed the return of income relating to the AY 2011-12. The assessee had carried out transactions in Bombay Stock Exchange to

the tune of Rs.2,34,273/-. Therefore, the assessment was reopened by issuing a notice u/s.148 on 29/03/2018. However, the assessee has not participated in the hearing which has resulted in making an addition of Rs.5,95,387/- being unexplained income of sale of shares and Rs.18,72,477/- being unexplained credits in his bank accounts of HDFC Bank and State Bank of India and demanded tax thereon.

3. Against the *ex-parte* re-assessment order, the assessee filed appeal before the Ld.CIT(A) and filed additional documents relating to sale of shares and bank transactions. Ld.CIT(A) called for a Remand Report from the AO and deleted the additions on account of sale of shares. However, the CIT(A) held that the purchase of Larsen and Toubro shares for Rs.6,18,319/- was not properly explained by the assessee, therefore confirmed the addition.

4. Against the order of ld.CIT(A), assessee is in appeal before us raising following Grounds of Appeal:

“1. On the facts and in circumstances of the case as well as law on the subject, the learned CIT(A) has erred in making an enhanced addition of Rs. 6,18,319/- after deleting the total original addition of Rs. 24,67,864/- (Rs. 5,95 387/- on account of sale of shares u/s 68 (+) Rs. 18,72,477 on account of unexplained credits in the bank accounts u/s 68] without issuing any show-cause notice u/s. 251(2).

2. Even otherwise, the learned CIT(A) has erred in making addition of Rs. 6,18,319/- on account of unexplained purchases.

3. It is therefore prayed that the enhancement made by the learned CIT(A) may kindly be deleted.

4. The appellant craves leave to add or alter or delete any of the ground or grounds of appeal at the time of the hearing before Your Honour.”

5. The Ld.Counsel for the assessee submitted that the Ld.CIT(A) without issuing a show-cause notice, confirmed the addition of Rs.6,18,319/- being the purchase value of the shares, whereas the assessee has produced copy of the broker statement, therefore requested to set aside the matter back to the file of Ld.CIT(A) to decide the case by giving regular opportunity of hearing to the assessee.

6. The Ld.Sr.DR appearing for the Revenue has no serious objection in setting aside the matter back to the file of Ld.CIT(A) to decide the same on merits.

7. We have heard both the parties and perused the material available on record. Looking to the facts and circumstances of the case and in the interests of justice, the impugned order of the Ld.CIT(A) is hereby set aside with a limited purpose for deciding the issue relating to addition of Rs.6,18,319/- made on account of unexplained purchases, by giving proper opportunity of hearing to the assessee.

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

Order pronounced in the Open Court on

16/07/2025.

**Sd/-
(BIJAYANANDA PRUSETH)
ACCOUNTANT MEMBER**

**Sd/-
(T.R.SENTHIL KUMAR)
JUDICIAL MEMBER**

Dated 16/07/2025

Copy of the Order forwarded to :

1. The Appellant
2. The Respondent.
3. The Concerned CIT
4. The CIT(A)-(NFAC), Delhi
5. The /AR,ITAT, Surat/Ahmedabad.
6. Guard file.

BY ORDER,

//True Copy//

(Asstt. Registrar)
ITAT,Surat/Ahmedabad