



**IN THE INCOME TAX APPELLATE TRIBUNAL,
CUTTACK BENCH, CUTTACK**

**BEFORE S/SHRI DUVVURU RL REDDY, VICE PRESIDENT(KZ)
AND RAJESH KUMAR, ACCOUNTANT MEMBER**

ITA No.271/CTK/2025
Assessment Year : 2017-18

Bandan Mohanty Plot-899, Bhubaneswar, 751006	Jharpada,	Vs.	DCIT, Circle-2(1), Bhubaneswar
PAN/GIR No. AFMPM 7898 D			
(Appellant)		..	(Respondent)

Assessee by : Shri Chitrasen Parida, Adv
Revenue by : Shri S.C.Mohanty, Sr. DR

Date of Hearing : 30/06/2025
Date of Pronouncement : 30/06/2025

ORDER

Per Bench

The present appeal is directed at the instance of assessee against the order of Id. Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NAFC), New Delhi NFAC), Delhi dated 22.4.2024 in Appeal No. CIT(A), Bhubaneswar- 1/14864/2019-20 passed for Assessment Year 2017-18.

2. The appeal is time barred by 304 days. The assessee has filed condonation petition dated 28.4.2025 supported by an affidavit stating that the order passed by the Id CIT(A), NFAC dated 22.4.2024 was downloaded

by the assessee from the income tax e-proceeding portal on 11.4.2025 and the appeal against the said order was to be filed on or before 21.6.2024. It is stated that the order passed by the Id CIT(A), NFAC was not in the knowledge of the assessee and when outstanding demand payable intimated to the assessee, he contacted the tax consultant and filed the appeal before the Tribunal. It was in this backdrop that there was delay of 304 days in filing the appeal. It is prayed that the delay was not intentional and same may be condoned. Ld Sr DR opposed the condonation petition.

3. After hearing the parties and perusing the condonation petition, we are satisfied that the assessee had a reasonable cause in not filing the appeal within the time and hence, we condone the delay and admit the appeal for hearing.

4. Brief facts of the case are that the assessee derives income from salary and income from house property. He filed the return of income on 22.2.2018 for the assessment year 2016-17 and the case was selected for scrutiny through CASS. Notices u/s.143(2) and 142(1) were issued to the assessee and in response to the notices, the assessee furnished related documents/details/clarifications/explanations time to time through e-assessment mode. The Assessing Officer noticed that the assessee has deposited Rs.24,61,264/- in cash to various credit card accounts and to substantiate the deposits, the assessee furnished a cash flow statement. However, a show cause notice was issued to the assessee to explain the

various receipts alongwith documentary evidences. No response was made on behalf of the assessee in response to specific queries made to explain the cash deposits made in credit card accounts. Therefore, the AO treated the amount of Rs.21.12.783/- deposited in the credit card out of total deposits of Rs.24,61.264/- as unexplained deposits u/s.69 of the Act and added the same to the total income of the assessee.

5. Being aggrieved, the assessee carried the matter in appeal before the Id CIT(A). However, despite various opportunities given to the assessee, there was no representation from the side of the assessee and accordingly, Id CIT(A) dismissed the appeal of the assessee. Hence, the assessee is in further appeal before the Tribunal.

6. At the time of hearing, Id AR submitted that the Id CIT(A) has dismissed the appeal of the assessee for want of prosecution without considering the case on merits. He prayed that one more opportunity be granted and the assessee will cooperate in the set aside proceedings.

7. On the other hand, Id Sr DR vehemently supported the order of the Id CIT(A). He stated that various opportunities have been granted to the assessee but the assessee failed to comply with the same.

8. We have heard the rival contentions and perused the material available on record. A perusal of the impugned order clearly shows that as there was no response to the notices to substantiate the claim with

documentary evidences and submissions, Id CIT(A) confirmed the addition made by the AO. Before us, Id AR undertakes that the assessee will cooperate the proceedings, if the matter is restored back to the file of the Id CIT(A). Considering the facts and circumstances of the case, we are inclined to set aside the order passed by the Id. CIT(Appeals) in order to meet the principle of natural justice, and remit the matter back to his file with a direction to provide one more opportunity of being heard to the assessee. At the same breath, we also hereby caution the assessee to promptly co-operate with the proceedings before the Id CIT(A), failing which the Ld CIT(A) shall be at liberty to pass appropriate order in accordance with law and merits based on the materials available on the record. Thus, the grounds raised by the assessee are allowed for statistical purposes.

9. In the result, appeal of the assessee stands allowed for statistical purposes.

Order dictated and pronounced in the open court on 30/06/2025.

Sd/-

(RAJESH KUMAR)
Accountant Member

Cuttack: Dated 30/06/2025

Sd/-

(DUVVURU RL REDDY)
VICE PRESIDENT

B.K.Parida, Sr. PS (OS)

Copy of the Order forwarded to :

1. The Appellant : Bandan Mohanty
Plot-899, Jharpada, Bhubaneswar, 751006
2. The Respondent : DCIT, Circle-2(1),
Bhubaneswar
3. The CIT(A)-,NFAC, Delhi
4. Pr.CIT-Bhubaneswar-1
5. DR, ITAT, Cuttack
6. Guard file.
//True Copy//

By order

Asst.Registrar,
Itat, cuttack

