

IN THE INCOME TAX APPELLATE TRIBUNAL
'DB', AMRITSAR BENCH, AMRITSAR

HYBRID HEARING

BEFORE HON'BLE SHRI MANOJ KUMAR AGGARWAL, AM
AND
HON'BLE SHRI UDAYAN DAS GUPTA, JM

- 1. आयकर अपील सं. / ITA No. 203/ASR/2025**
(निर्धारण वर्ष / Assessment Year: 2014-15)
&
2. आयकर अपील सं. / ITA No.204/ASR/2025
(निर्धारणवर्ष / Assessment Year: 2015-16)

Shri Farooq Ahmad Bhat Dabrun Anantnag Jammu and Kashmir 192101	बनाम/ Vs.	ITO Ward Udhampur Jammu and Kashmir.
स्थायीलेखासं./जीआइआरसं./PAN/GIR No. CGAPB-6834-P		
(अपीलार्थी/ Appellant)	:	(प्रत्यर्थी / Respondent)

अपीलार्थीकीओरसे/ Appellant by	:	Sh. Touseef Ahmad Khanday (CA) – Ld.AR
प्रत्यर्थीकीओरसे/ Respondent by	:	Shri K. Mehboob Ali Khan (CIT) – Ld. DR

सुनवाईकीतारीख/ Date of Hearing	:	07-08-2025
घोषणाकीतारीख / Date of Pronouncement	:	18-08-2025

आदेश / O R D E R

Manoj Kumar Aggarwal (Accountant Member)

1. Aforesaid appeals by assessee for Assessment Years (AY) 2014-15 & 2015-16 have identical facts. The registry has noted delay of 35 days in the appeals which stand condoned. The appeal for AY 2014-15 arises out of an order of Ld Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi [CIT(A)] dated 25-11-2024 in the matter of an assessment

framed by Ld. AO on *best judgment basis* u/s 147 r.w.s. 144 of the Act on 11-05-2023. The Ld. AO assessed bank deposits of Rs.347.84 Lacs u/s 69A. During first appeal, the assessee could not substantiate the deposits with cogent evidences and accordingly, the assessment was confirmed. Similar are the facts in AY 2015-16. Aggrieved, the assessee is in further appeals before us. The Ld. AR has pleaded for another opportunity of hearing before lower authorities on the ground that the assessee is able to substantiate the sources of cash deposits. The same has been opposed by Ld. CIT-DR.

2. Keeping in mind the principles of natural justice, we accept the prayer of Ld. AR and accordingly, direct Ld. AO to make *de novo* assessment for both the years with a direction to the assessee to plead and prove its case forthwith.

3. Both the appeals stand allowed for statistical purposes.

Order pronounced u/r 34(4) of Income Tax (Appellate Tribunal) Rules, 1963.

Sd/-
(UDAYAN DAS GUPTA)
JUDICIAL MEMBER

Sd/-
(MANOJ KUMAR AGGARWAL)
ACCOUNTANT MEMBER

Dated: 18-08-2025

आदेश की प्रतिलिपि अग्रेषित /Copy of the Order forwarded to :

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकरआयुक्त/CIT
4. विभागीयप्रतिनिधि/DR
5. गार्डफाईल/GF

ASSISTANT REGISTRAR

ITAT AMRITSAR