

आयकर अपीलीय अधिकरण, कटक न्यायपीठ, कटक
IN THE INCOME TAX APPELLATE TRIBUNAL CUTTACK BENCH CUTTACK
(THROUGH VIRTUAL HEARING)

श्री जार्ज माथन, न्यायिक सदस्य एवं श्री राजेश कुमार, लेखा सदस्य के समक्ष ।

**BEFORE SHRI GEORGE MATHAN, JUDICIAL MEMBER
AND
SHRI RAJESH KUMAR, ACCOUNTANT MEMBER**

आयकर अपील सं/ITA Nos.231&232/CTK/2025

(निर्धारण वर्ष / Assessment Years : 2015-2016 & 2017-2018)

Aimat Khan, Jayanagar, Babib Nagar, Dhamnagar, Bhadrak	Vs	ITO, Bhadrak
PAN No. : CJMPK 7544 J		
(अपीलार्थी / Appellant)	..	(प्रत्यर्थी / Respondent)
निर्धारिती की ओर से / Assessee by	:	Shri Chitrasen Parida, Advocate
राजस्व की ओर से / Revenue by	:	Shri Vijay Singh, Sr. DR
सुनवाई की तारीख / Date of Hearing	:	14/08/2025
घोषणा की तारीख / Date of Pronouncement	:	14/08/2025

आदेश / O R D E R

Per Bench :

These two appeals are filed by the assessee against the separate orders, both dated 24.02.2025 passed by the Id. CIT(A), National Faceless Appeal Centre (NFAC), Delhi for the assessment years 2015-2016 & 2017-2018.

2. It was submitted by the Id AR that the Id. CIT(A) has dismissed both appeals of the assessee without providing any sufficient opportunity of being heard to the assessee. It was the prayer that the matter may be restored to the file of Id. AO to decide the issue involved in both the appeals afresh so that the assessee could be able to produce all the evidence to substantiate his claim.

3. In reply, Id Sr. DR vehemently supported the orders of the Assessing Officer and Id. CIT(A). It was the submission that the assessee has not produced any evidence either before the Id. Assessing Officer or before the Id. CIT(A). It was the submission that looking to the non-cooperative attitude of the assessee, a reasonable cost deserves to be levied.

4. We have considered the rival submissions. As it is noticed from the orders of the authorities below that the assessee could not substantiate its claim by providing relevant documents neither before the Id. CIT(A) in appellate proceedings nor before the Id. AO in assessment proceedings. However, the Id. AR has made a request before the Bench that if the assessee is given one more opportunity to represent its case before the Id. AO, the assessee could be able to provide all the details before the Id. Assessing Officer to substantiate its claim. This being so, in the interest of justice, we grant the assessee one more opportunity to substantiate its claim before the Id. AO by restoring the issues in both the appeals to the file of Id. AO for adjudicating afresh after providing the assessee adequate opportunity of being heard, subject to a payment of cost of **Rs.10,000/- (Rupees Ten Thousand only) each** shall be payable by the assessee to the Income Tax Bar Association, ITAT Campus, Sector-1, CDA, Cuttack-753014, within sixty days from the date of this order and receipt of the same would be produced before the AO at the first hearing. Should the assessee not pay the abovementioned costs within the prescribed period of sixty days from the date of this order, the order of the Id. CIT(A) in both

the appeals shall stand confirmed. The assessee shall cooperate in the readjudication proceeding before the AO positively.

5. In the result, both appeals of the assessee are partly allowed for statistical purposes.

Order dictated and pronounced in the open court on 14/08/2025.

Sd/-

(राजेश कुमार)
(RAJESH KUMAR)

लेखा सदस्य/ ACCOUNTANT MEMBER

Sd/-

(जार्ज माथन)
(GEORGE MATHAN)

न्यायिक सदस्य / JUDICIAL MEMBER

दिनांक Dated 14/08/2025

Prakash Kumar Mishra, Sr.P.S.

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

1. अपीलार्थी / The Appellant-
2. प्रत्यर्थी / The Respondent-
3. आयकर आयुक्त(अपील) / The CIT(A),
4. आयकर आयुक्त / CIT
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, कटक / DR, ITAT, Cuttack
6. गार्ड फाईल / Guard file.

आदेशानुसार/ BY ORDER,

सत्यापित प्रति //True Copy//

(Assistant Registrar)

आयकर अपीलीय अधिकरण, कटक/ITAT, Cuttack