

**IN THE INCOME TAX APPELLATE TRIBUNAL,
BANGALORE BENCH "SMC", BANGALORE**

**BEFORE SHRI NARENDER KUMAR CHOUDHRY, JUDICIAL MEMBER
AND
SHRI WASEEM AHMED, ACCOUNTANT MEMBER**

**ITA No.1193/BANG/2025
Assessment Year: 2017-18**

Mr. Jayadeva Murugharajendra Paththina Sahakara Sangha Ni Hosadurga, 2132 S J M Complex, Hosadurga Chitradurga-577527. PAN: AAQAS3208P	Vs.	Income Tax Officer Ward 1, Chitradurga Karnataka.
(Appellant)		(Respondent)

Present for:

Assessee by : Sri Sandeep C, Ld. C.A.
Revenue by : Sri Ganesh R Gale, Ld. Standing
Counsel for Department

Date of Hearing : 14.08.2025
Date of Pronouncement : 14.08.2025

O R D E R

Per : Narender Kumar Choudhry, Judicial Member:

This appeal has been preferred by the Assessee against the order dated 28.03.2025, impugned herein, passed by the National Faceless Appeal Center (NFAC)/ Ld. Commissioner of Income Tax (Appeals) (in short Ld. Commissioner) u/s 250 of the Income Tax Act, 1961 (in short 'the Act') for the A.Y. 2017-18.

2. In the instant case, admittedly in the appellate proceedings before the Ld. Commissioner, against the additions of Rs.38,83,000/- being unexplained cash credit u/s 68 of the Act and Rs.6,70,512/- on account of disallowance qua provisions and expenditure, as made by the Assessing Officer (AO) vide assessment order dated 23.12.2019 u/s 143(3) of the Act, the Assessee despite of affording various opportunities made no compliance. Therefore, in the constrained circumstances, the Ld. Commissioner affirmed the aforesaid additions by dismissing the appeal of the Assessee. Though the Assessee due to non-compliance made before the Ld. Commissioner, is not entitled for any leniency however, it is a fact that in the absence of relevant submissions and documents, the issues involved in the appeal before the Ld. Commissioner also remained to be adjudicated in its right perspective and proper manner. Thus, considering the peculiar facts and circumstances in totality, for just and proper decision of the case, equitable relief, fair play and substantial justice, we are inclined to remand the instant case to the file of the Ld. Commissioner for decision afresh by affording reasonable opportunity of being heard to the Assessee, however, subject to deposit of Rs. 11,000/- in the Revenue Department under "other heads" within 30 days of the order.

3. We also deem it appropriate to direct the Assessee to comply with the notices to be issued by the Ld. Commissioner and file the relevant submissions and documents as would be essentially required for proper and just decision of the case. We also clarify that in case of subsequent default, the Assessee shall not be entitled for any leniency.

4. Thus, the case is remanded to the file of the Ld. Commissioner for decision afresh accordingly.

5. In the result, the Assessee's appeal is allowed for statistical purposes.

Order pronounced in the open court on 14.08.2025.

**Sd/-
(WASEEM AHMED)
ACCOUNTANT MEMBER**

**Sd/-
(NARENDER KUMAR CHOUDHRY)
JUDICIAL MEMBER**

* Kishore, Sr. P.S.

Copy to: The Appellant
The Respondent
The CIT, Concerned, Bangalore
The DR Concerned Bench

//True Copy//

By Order

Dy/Asstt. Registrar, ITAT, Bangalore.