

आयकर अपीलीय अधिकरण, 'ए' न्यायपीठ, चेन्नई
IN THE INCOME-TAX APPELLATE TRIBUNAL 'A' BENCH, CHENNAI
श्री एस.एस. विश्वनेत्र रवि, न्यायिक सदस्य एवं श्री एस.आर. रगुनाथा, लेखा सदस्य के समक्ष
Before Shri S.S. Viswanethra Ravi, Judicial Member &
Shri S.R. Raghunatha, Accountant Member

आयकर अपील सं./I.T.A. No.1682/Chny/2025
निर्धारण वर्ष/Assessment Year: 2017-18

Mahalingam Sundara Moorthy,
602, Srithi Block, Chitra Avenue,
Nungambakkam, Chennai 600 034.

Vs. The Income Tax Officer,
Corporate Ward 4(1),
Chennai.

[PAN:AFYPM5382G]

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से / Appellant by : None
प्रत्यर्थी की ओर से/Respondent by : Shri N. Rajakumar, Addl. CIT
सुनवाई की तारीख/ Date of hearing : 26.08.2025
घोषणा की तारीख /Date of Pronouncement : 02.09.2025

आदेश /O R D E R

PER S.S. VISWANETHRA RAVI, JUDICIAL MEMBER:

This appeal filed by the assessee is directed against the order dated 26.05.2025 passed by the Id. Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi for the assessment year 2017-18.

2. None appeared on behalf of the assessee and hence, we proceed to dispose the appeal on merits after hearing the Id. DR.

3. The assessee raised 14 grounds of appeal amongst which, the only issue emanates for our consideration as to whether the Id. CIT(A) is justified in confirming the additions made by the Assessing Officer by passing exparte order in the facts and circumstances of the case.

4. At the outset, we note that the assessee filed his return of income for AY 2017-18 declaring total income of ₹.74,66,570/-. The case was selected for scrutiny and notice under section 143(2) of the Income Tax Act, 1961 ["Act" in short] was issued on 09.08.2018. The Assessing Officer issued notice under section 142(1) of the Act dated 28.01.2019 and subsequent reminder dated 28.02.2019 was also issued followed by another reminder dated 30.03.2019. Further, the Assessing Officer issued a notice under section 142(1) of the Act dated 11.10.2019. Since there was no response from the assessee, the Assessing Officer issued notice under section 274 r.w.s. 272(1)(d) of the Act dated 30.07.2019 show-causing the assessee as to why penalty under section 272A(1)(d) of the Act should not be levied for non-furnishing of details as called for vide above notices. Since there was no response from the assessee, the Assessing Officer levied penalty of ₹.10,000/- under section 274 r.w.s. 272A(1)(d) of the Act dated 30.09.2019 for non furnishing of details. The Assessing Officer issued a summon

under section 131 of the Act dated 21.10.2019 requiring the assessee to appear before the Assessing Officer on 25.10.2019, but, however, assessee failed to comply with this summon and submitted partial details. The Assessing Officer again issued notices under section 142(1) of the Act dated 31.10.2019 and 16.11.2019 to the assessee to submit full details, but, the assessee has not submitted the details as called for. Hence, the Assessing Officer proceeded to complete the assessment by making disallowances of ₹.17,17,900/-, 23,33,037/- and ₹.23,33,143/- as unexplained cash credit under section 68 of the Act besides disallowance of expenses at ₹.4,56,60,080/- and assessed the income of the assessee at ₹.5,95,10,730/-. Since there was no response to various hearing notices issued by the Id. CIT(A), the appeal filed by the assessee was dismissed for want of prosecution. On being aggrieved by the impugned order, the assessee preferred present appeal before the Tribunal.

5. Having heard the Id. DR, on perusal of the impugned order, we note that the Id. CIT(A) issued hearing notices under section 250 of the Act dated 14.01.2021, 22.08.2024 & 02.12.2024 to furnish the details by 13.02.2025, 17.04.2025 and 02.05.2025, but, however, there was no compliance from the assessee. We note that in the grounds of

appeal at ground No. 5, the assessee has contended that there was no proper opportunity given before passing of the impugned order. We note that the assessee has not at all cooperated with the Department in completing the assessment either before the Assessing Officer or before the Id. CIT(A) or the assessee filed any written submissions with documentary evidence to substantiate his claims before the Tribunal. However, to meet the ends of natural justice, we deem it proper to afford one more opportunity and accordingly, direct the Assessing Officer to afford final opportunity to the assessee subject to the condition of payment of ₹.10,000/- in favour of the State Legal Aid Authority, Hon'ble Madras High Court within 30 days from the date of receipt of this order and the Assessing Officer shall satisfy the payment of cost and decide the issue afresh after considering the written submissions along with documentary evidences, if any, as may be filed by the assessee to substantiate his claim. In case if the assessee fails to furnish complete details with documentary evidence before the Assessing Officer, the assessment already completed vide order dated 11.12.2019 stands sustained.

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

Order pronounced on 02nd September, 2025 at Chennai.

Sd/-
(S.R. RAGHUNATHA)
ACCOUNTANT MEMBER

Sd/-
(S.S. VISWANETHRA RAVI)
JUDICIAL MEMBER

Chennai, Dated, 02.09.2025

Vm/-

आदेश की प्रतिलिपि अग्रेषित/Copy to:

1. अपीलार्थी/Appellant,
2. प्रत्यर्थी/ Respondent,
3. आयकर आयुक्त/CIT, Chennai/Madurai/Coimbatore/Salem
4. विभागीय प्रतिनिधि/DR &
5. गार्ड फाईल/GF.