

**IN THE INCOME TAX APPELLATE TRIBUNAL, DELHI 'G' BENCH,  
NEW DELHI**

**BEFORE MS. MADHUMITA ROY, JUDICIAL MEMBER, AND  
SHRI NAVEEN CHANDRA, ACCOUNTANT MEMBER**

ITA No. 1574/DEL/2025 [A.Y. 2016-17]  
ITA No. 1575/DEL/2025 [A.Y. 2017-18]

Shri Naresh Kumar Jain [HUF]  
107, Savera Apartments  
Sector - 13, Rohini  
New Delhi

Vs.

The Dy. C.I.T  
Central Circle - 26  
New Delhi

PAN - AACHN 4894 F

(Applicant)

(Respondent)

Assessee By : Ms. Shilpi Sawaria, Adv  
Ms. Shilpi Jain, CA

Department By : Shri Manish Gupta, Sr. DR

**Date of Hearing : 14.08.2025**  
**Date of Pronouncement : 03.09.2025**

**ORDER**

**PER NAVEEN CHANDRA, A.M:-**

The above captioned two separate appeals by the assessee are preferred against two separate orders of the ld. CIT(A)-29, New Delhi dated 15.01.2025 for A.Ys 2016-17 and 2017-18 respectively.

2. Since common grievance is involved in the captioned appeals and pertain to same assessee, they were heard together and are disposed of by this common order for the sake of convenience and brevity.

**ITA No. 1574/DEL/2025 [A.Y. 2016-17]**

3. Brief facts are that this is a case of a HUF. The return of income of the assessee for the assessment year in question was filed on 16.01.2017 declaring an income of Rs.8,48,090/-. The case of the assessee was assessed u/s 153C of the Act on 11.12.2018 wherein the returned income of the assessee was accepted after considering the submissions of the assessee. Now, the assessment has been made u/s 147 of the Act on 13.03.2022 wherein addition of Rs. 46,53,485/- has been made as under:

- Rs. 43,90,081/- on account of treating the LTCG from sale of share as income from other sources u/s 68 of The Income Tax Act, 1961.
- Rs. 2,63,404/- on account of acquiring accommodation entry as undisclosed expenditure u/s 69C of The Income Tax Act, 1961.

4. Against the impugned addition, the assessee had filed an appeal before CIT(A) which has been dismissed by the CIT(A) on ex-parte basis.

5. Before us, the ld. counsel for the assessee submitted that both the assessment made by the Assessing Officer and sustaining the said additions by the ld. CIT(A) is on ex-parte basis. The ld AR assailed the CIT(A) order that it did not consider that there is no live nexus between the reasons recorded and the belief formed by the Assessing Officer. The ld. counsel for the assessee further submitted that the re-assessment proceedings were initiated without approval of the competent authority as required u/s 151 of the Act which is bad in the eyes of law and based on borrowed satisfaction. It was, therefore, prayed that the ld. CIT(A) be declared as bad in law.

6. Per contra, the ld. DR relied upon the orders of the authorities below.

7. We have heard the rival submissions and have perused the relevant material on record. In view of the above facts and circumstances that the reassessment and the appeal being decided on ex-parte basis, in the interest of justice and fair play, we are of the considered view that the ld. CIT(A) ought to have given sufficient opportunity of being heard to the assessee. Accordingly, without going into the merits of the case, we deem it fit to restore the matter back to the file of the ld. CIT(A) to decide the issues afresh after allowing adequate opportunity of being

heard to the assessee. The assessee is also directed to provide necessary information / documents as required by the authorities.

8. In the result, both the appeals of the assessee in ITA Nos. 1574 and 1575/DEL/2023 are allowed for statistical purposes.

The order is pronounced in the open court on 03.09.2025.

Sd/-

**[MADHUMITA ROY]**  
**JUDICIAL MEMBER**

Sd/-

**[NAVEEN CHANDRA]**  
**ACCOUNTANT MEMBER**

Dated: 03<sup>rd</sup> SEPTEMBER, 2025.

VL/

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(A)
5. DR

Asst. Registrar,  
ITAT, New Delhi

Sl No.	PARTICULARS	DATES
1.	<i>Date of dictation of Tribunal Order</i>	.
2.	<i>Date on which the typed draft Tribunal Order is placed before the Dictation Member</i>	
3.	<i>Date on which the typed draft Tribunal Order is placed before the other Member</i>	
4.	<i>Date on which the approved draft Tribunal Order comes to the Sr. P.S./P.S.</i>	
5.	<i>Date on which the fair Tribunal Order is placed before the Dictating Member for pronouncement</i>	
6.	<i>Date on which the signed order comes back to the Sr. P.S./P.S</i>	
7.	<i>Date on which the final Tribunal Order is uploaded by the Sr. P.S./P.S. on official website</i>	
8.	<i>Date on which the file goes to the Bench Clerk alongwith Tribunal Order</i>	
9.	<i>Date of killing off the disposed of files on the judiSIS portal of ITAT by the Bench Clerks</i>	
10.	<i>Date on which the file goes to the Supervisor (Judicial)</i>	
11.	<i>The date on which the file goes for xerox</i>	
12.	<i>The date on which the file goes for endorsement</i>	
13.	<i>The date on which the file goes to the Superintendent for checking</i>	
14.	<i>The date on which the file goes to the Assistant Registrar for signature on the Tribunal order</i>	
15.	<i>Date on which the file goes to the dispatch section</i>	
16.	<i>Date of Dispatch of the Order</i>	