

IN THE INCOME TAX APPELLATE TRIBUNAL
"SMC" BENCH PANAJI

BEFORE SHRI PAVAN KUMAR GADALE, JUDICIAL MEMBER

I T A. Nos. 15/PAN/2024

(A.Y. 2017-18)

Abhishek Ramesh Raikar, Shop.no.7, Cruz Mansion, Margao-403601, Goa	Vs .	ITO-Ward-1, Blessings Pioneer complex, Old Market, Margoa-403601,Goa.
PAN .No. AGXPR2694C		
(अपीलार्थी/Appellant)		(प्रत्यर्थी/Respondent)

Assessee by	None(Letter dt 8-9-2025)
Revenue by	Smt Manju Thakur. Sr.DR

सुनवाई की तारीख/Date of Hearing	09.09.2025
घोषणा की तारीख/Date of Pronouncement	10.09.2025

ORDER

PER PAVAN KUMAR GADALE, JM:

The appeal is filed by the assessee against the order of the NFAC Delhi/CIT (A) passed u/sec 143(3) and u/sec 250 of the Act.

2. At the time of hearing, it was found that there is a delay of 96 days in filing the appeal before the Hon'ble Tribunal and the assessee has filed the application and affidavit for condonation of delay. Whereas, the facts mentioned in the affidavit are reasonable and the Ld. DR has no specific objections. Accordingly, we condone the delay and admit the appeal. The assessee has raised the grounds of appeal challenging the order of the CIT(A) on

validity of issue of notice u/sec143(2) of the Act and also no sufficient opportunity of hearing was provided. And the CIT(A) erred in sustaining the addition u/sec 69A of the Act made by the Assessing Officer.

3. The brief facts of the case are that, the assessee is engaged in jewellery business. The assessee has filed the return of income for A.Y.2017-18 on 03.11.2017 disclosing a total income of Rs.5,75,340/-. The assessee has also filed the revised return of income on 9.08.2018. Subsequently the case was selected for limited scrutiny under CASS and notice u/sec143 (2) and u/sec 142(1) of the Act are issued calling for details in respect of claims and the information supporting the return of income filed. The assessee has filed the details/ information and the Assessing Officer (A.O) has dealt on the submissions/details and find that there are cash deposits during the F.Y.2016-17 in the bank accounts aggregating to Rs.20,78,000/- and the assessee was asked to explain the sources of deposits and also a show cause notice was issued, and there was a compliance vide letter dated 20-12-2019 explaining sources and withdrawals by the assessee in the partnership firm. Whereas the A.O. has dealt on the submissions and was not satisfied with the explanations and dealt on the provisions of section 69A of the Act and made addition of unexplained money of Rs.20,78,000/- and assessed the total income of

Rs.26,53,340/- and passed the order u/sec 143(3) of the Act dated 31.12.2019.

4. Aggrieved by the order, the assessee has filed an appeal before the CIT(A), whereas the CIT(A) has considered the grounds of appeal, statement of facts, submissions of the assessee and findings of the AO but has sustained the addition u/sec69A of the A.O and dismissed the assessee appeal. Aggrieved by the order of the CIT(A), the assessee has filed an appeal before the Hon'ble Tribuna

5. Heard the Ld.DR submissions and perused the material on record. The sole crux of the disputed issue in the grounds of appeal of the assessee that that the CIT(A) has erred in sustaining the validity of assessment proceedings and sustaining the addition u/sec69A of the Act without providing proper opportunity and overlooking the facts and material evidences. The assessee has filed all the details before the lower authorities and the CIT(A) has not considered the documents and information supporting the claim of the assessee. Prima-facie, the CIT(A) has dealt on the findings of the AO and has not considered the submissions/evidences of the assessee filed in the proceedings and has not allowed the grounds of appeal. Therefore, considering the overall facts, circumstances and principles of natural justice shall provide with one more opportunity of hearing and accordingly restore the disputed issue to the file of the CIT(A) for afresh adjudication on merits and the CIT(A)

shall provide adequate opportunity of being heard to the assessee and the assessee should also cooperate in submitting the information for early disposal of the appeal and the grounds of appeal of the assessee are allowed for statistical purpose.

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

Order pronounced in the open court on 10.09.2025.

-S/d-
(PAVAN KUMAR GADALE)
JUDICIAL MEMBER

Panaji Dated: 10/09/2025

Copy of the Order forwarded to:

1. The Appellant,
2. The Respondent
3. The CIT(A)-
4. CIT
5. DR, ITAT,
6. Guard file.

//True Copy//

BY ORDER,
(Asstt. Registrar)ITAT,
Panaji

		Date	<u>Initial</u>	
1.	Draft dictated on			PS
2.	Draft placed before author			PS
3.	Draft proposed & placed before the second member			PS
4.	Draft discussed/approved by Second Member.			PS
5.	Approved Draft comes to the Sr.PS/PS			PS
6.	Kept for pronouncement on			
7.	File sent to the Bench Clerk			
8.	Date on which file goes to the AR			
9.	Date on which file goes to the Head Clerk.			
10.	Date of dispatch of Order.			
11.	Dictation Pad is enclosed			