

**IN THE INCOME TAX APPELLATE TRIBUNAL “SMC” BENCH, PATNA**  
**(VIRTUAL HEARING AT KOLKATA)**

**SHRI SONJOY SARMA, JUDICIAL MEMBER**  
**SHRI RAKESH MISHRA, ACCOUNTANT MEMBER**

**I.T.A. No. 204/PAT/2025**  
**(Assessment Year 2017-18)**

**Lakshmi Mandal,**  
M/s Bajrang Iron Stores,  
Rajnagar, Chapahi B.O.,  
Madhubani (Bihar) - 847235  
[PAN: BIJPM9175J]

..... **Appellant**

**vs.**

**Income Tax Officer,**  
Income Tax Department,  
Madhubani (Bihar) – 847211

..... **Respondent**

**Appearances by:**

Assessee represented by : Shri Sudeep Sinha, Adv.  
Department represented by : Shri Rajat Datta, CIT-DR

Date of concluding the hearing : 16.09.2025  
Date of pronouncing the order : 17.09.2025

**ORDER**

**PER SONJOY SARMA, JUDICIAL MEMBER**

This appeal arises from order dated 28.02.2025, passed u/s 250 of the Income Tax Act, 1961 (hereafter “the Act”) by the Ld. Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi [hereafter “the Ld. CIT(A)].

2. Brief facts of the Case are that the assessee filed return of income declaring total income of ₹4,02,890/-. The return was processed under section 143(1) of the Income-tax Act, 1961. Subsequently, the case was selected for scrutiny and assessment was completed under section 143(3), determining total income of ₹4,81,780/-, after making an addition of ₹ 78,890/-. On examination of the records, the Principal CIT invoked

revisional jurisdiction under section 263 of the Act. He observed that statutory liability of ₹92,734/- under the head “tax payable” was wrongly allowed and not disallowed under section 43B of the Act, and cash deposit of ₹27,48,500/- in the bank account during the year had not been examined by the Assessing Officer.

3. Accordingly, vide order dated 09.02.2022, the Principal CIT set aside the original assessment with a direction to reframe the assessment. In compliance, the Assessing Officer passed a fresh order under section 143(3) read with section 263 on 10.03.2023, making the additions as directed.

4. Aggrieved, the assessee preferred appeal before the learned CIT(A). The learned CIT(A), however, dismissed the appeal on a technical ground, observing that in Form No. 35, column 12 (relating to additional evidence under Rule 46A), the assessee had selected “No”, and therefore additional documents could not be admitted. Without granting any opportunity to rectify or substantiate the claim, the appeal was dismissed.

5. Dissatisfied with the above order assessee is in appeal before this tribunal stating that the impugned order is bad in law and without granting any opportunity to rectify or substantiate the claim, the appeal was dismissed. Therefore, instant appeal may be set aside to the file of Ld. CIT(A)

6. On the other hand, ld. DR. did not objected to such prayer made by the assessee before the bench.

7. We have heard the rival submissions and perused the material available on record. The appeal of the assessee was dismissed by the learned CIT(A) purely on technical grounds, without adjudicating the

issues on merits. Such an approach, in our considered view, defeats the principles of natural justice. The assessee deserves a proper opportunity to present his case before the first appellate authority. Accordingly, we set aside the impugned order of the learned CIT(A) and restore the matter to his file with a direction to adjudicate the appeal afresh on merits, after affording reasonable opportunity of being heard to the assessee.

8. In the result, the appeal of the assessee is allowed for statistical purposes.

Order pronounced on 17.09.2025

Sd/-  
**(Rakesh Mishra)**  
**Accountant Member**

Sd/-  
**(Sonjoy Sarma)**  
**Judicial Member**

Dated: 17.09.2025

AK, Sr. P.S.

*Copy of the order forwarded to:*

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

//True copy//

By order

Sr. Private Secretary/Assistant Registrar, Patna Bench