

IN THE INCOME TAX APPELLATE TRIBUNAL
"SMC" BENCH PANAJI

BEFORE SHRI PAVAN KUMAR GADALE, JUDICIAL MEMBER
I T A. Nos.153/PAN/2025
(A.Y. 2018-19)

Aretha D Souza, H.no.630,Vagator, Nr,Julie Jolly, Bardez, Goa-403509.	Vs .	ACIT, Central Circle, Pundalik Niwas, Cortim, Panaji,Goa-403001,
PAN/GIR No. BSBPD7111F		
(अपीलार्थी/Appellant)		(प्रत्यर्थी/Respondent)

Assessee by	Shri.Narcinva Lotlikar.AR
Revenue by	Shri.Satish.M. CIT.DR

सुनवाई की तारीख/Date of Hearing	15.09.2025
घोषणा की तारीख/Date of Pronouncement	16.09.2025

ORDER

PER PAVAN KUMAR GADALE ,JM:

The assessee has filed the appeal against the order of the CIT(A)-2 Panaji passed u/sec147 r.w.s144 and u/sec 250 of the Act.

2. At the time of hearing, it was found that there is a delay of 87days in filing the appeal before the Hon'ble Tribunal and the assessee has filed an affidavit for condonation of delay. Whereas, the facts mentioned in the affidavit are reasonable and sufficient cause was explained and the Ld. DR has no specific objections. Accordingly, condone the delay and admit the appeal. The assessee has raised the grounds of appeal challenging the ex-parte order of the

CIT(A) sustaining the addition made by the Assessing Officer.

3. The brief facts of the case are that, the assessee has filed the return of income for the A.Y.2018-19 disclosing a total income of Rs.4,86,610/- on 7.02.2019. The Assessing Officer (AO) based on the information and statements in the search action in the case of Shri Jhon Stephen D souza found that the assessee was working with the business organisation and has reason to believe that the income has escaped the assessment and has issued notice u/sec148 of the Act and also the notice u/sec142(1) of the Act was issued to furnish the details of business receipts and there was no compliance. Whereas the A.O found total credits in the bank accounts in F.Y.2017-18 are aggregating to Rs.29,81,919/- and in comparison to business receipts as per the return of income filed is Rs.22,48,175/- and a show cause notice was issued to explain the difference amount and there was no compliance. Since, no explanations/details were filed, the AO considering the information available on record has invoked the provisions of Sec.144 of the Act and made addition of differential amount of Rs.7,33,744/- as business income and assessed the total income of Rs.12,20,354/- and passed the order u/sec 147r.w.s 144 of the Act dated 26.03.2022.

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 and findings of the AO and has issued two notices of hearing and since there was no compliance by the assessee to notices. Therefore the CIT(A) considering the information on record has confirmed the action of the A.O and dismissed the appeal. Aggrieved by the order of the CIT(A), the assessee has filed an appeal before the Hon'ble Tribunal.

5. At the time of hearing, the Ld.AR submitted that the CIT(A) has erred in confirming the action of the Assessing officer overlooking the information of the assessment proceedings. The Ld.AR mentioned that the assessee due to health issues could not appear in the hearing of the cases before the CIT(A). Further the Ld.AR mentioned that the assessee has a good case on merits and shall substantiate with the material evidences and prayed for an opportunity to explain before the lower authorities. Per Contra, the Ld.DR supported the order of the CIT(A).

6. Heard the rival submissions and perused the material on record. Prima-facie the CIT(A) has passed the order considering the facts that there is no compliance in spite of providing adequate opportunity of hearing and the notices were issued. Therefore, the CIT(A) was of the opinion that the assessee is not interested in prosecuting the appeal and dismissed the appeal ex-parte confirming the action of the assessing officer. The Ld. CIT(A) has issued the only two notices of hearing i.e 20.11.2024 & 5.12.2024 referred at Page 3 Para 4.2 of the CIT(A) order

but there was no response and thus the CIT(A) came to a conclusion that the assessee is not interested and decided the appeal based on the information available on record. Whereas the assessee has raised grounds of appeal challenging the addition made by the A.O and there could be various reasons for non appearance which cannot be overruled. Therefore, considering the principles of natural justice, shall provide with one more opportunity of hearing to the assessee to substantiate the case with evidences and information. Accordingly, set aside the order of the CIT(A) and remit the disputed issue to the file of the CIT(A) to adjudicate afresh on merits and the assessee should be provided adequate opportunity of hearing and shall cooperate in submitting the information for early disposal of appeal. And the grounds of appeal of the assessee are allowed for statistical purposes.

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

Order pronounced in the open court on 16.09.2025.

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

Panaji Dated: 16/09/2025

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			

