

आयकर अपीलीय अधिकरण, 'सी' न्यायपीठ, चेन्नई।  
IN THE INCOME TAX APPELLATE TRIBUNAL  
'C' BENCH: CHENNAI

श्री मनु कुमार गिरि, न्यायिक सदस्य एवं श्री जगदीश, लेखक सदस्य के समक्ष  
BEFORE SHRI MANU KUMAR GIRI, JUDICIAL MEMBER AND  
SHRI JAGADISH, ACCOUNTANT MEMBER

आयकर अपील सं./ITA No.1921/Chny/2025  
निर्धारण वर्ष /Assessment Year: 2017-18

R.D. Velli Maalihal,  
14, Methurangam Street,  
Erode – 638 001.  
PAN: AAKFR 1722N

**Vs.** The Asst. Commissioner of  
Income Tax,  
Circle-2,  
Erode.

(अपीलार्थी/**Appellant**)

(प्रत्यर्थी/**Respondent**)

अपीलार्थी की ओर से/ Appellant by  
प्रत्यर्थी की ओर से /Respondent by

: Shri N. Arjun Raj, Advocate  
: Ms. R. Anitha, Addl. CIT

सुनवाई की तारीख/Date of Hearing

: 25.09.2025

घोषणा की तारीख /Date of Pronouncement

: 29.09.2025

**आदेश / ORDER**

**PER JAGADISH, A.M :**

Aforesaid appeal filed by the assessee for Assessment Year (AY) 2017-18 arises out of the order of Learned Commissioner of Income Tax (NFAC), Delhi (hereinafter "CIT(A)"] dated 20.06.2025 in the matter of assessment framed by the Assessing Officer [AO] u/s 143(3) of the Income-tax Act, 1961 (hereinafter "the Act") on 12.12.2019.

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2. The assessee is a partnership firm, engaged in the business of retail sales of gold and silver and filed its return of income on 25.10.2017 declaring total income of Rs. 52,38,410/-. In the assessment order, the A.O made an addition of Rs. 62,25,000/- towards cash deposits during the demonetization period and a further addition of Rs. 52,02,083/- u/s. 68 of the Act. Aggrieved, the assessee preferred an appeal before the learned CIT(A). The learned CIT(A), however, observed that the assessee had failed to adduce any documentary evidence in support of its contentions and accordingly dismissed the appeal as not maintainable.

3. The Ld. Authorized Representative (AR) submitted that the assessment order was passed ex-parte, and the Ld. CIT(A) also dismissed the appeal *ex-parte* without adjudicating the matter on merits. It was therefore prayed that, in the interest of justice, the assessee may be granted one more opportunity to substantiate its case before the Assessing Officer.

4 On the other hand, the learned Departmental Representative (DR) supported the orders of the lower authorities.

5. We have considered the rival submissions and perused the material on record. On perusal of the orders of the A.O as well as the

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learned CIT(A), it is evident that both the orders have been passed ex-parte due to non-compliance on the part of the assessee. The contention of the Ld. AR is that the CIT(A) has not adjudicated the issue on merits. In our considered view, and in the interest of justice as well as keeping in mind the principles of natural justice, the assessee deserves one more opportunity to present its case. Accordingly, we set aside the impugned order of the learned CIT(A) and remit the matter back to the file of the Assessing Officer for denovo assessment in accordance with law, after affording reasonable opportunity of hearing to the assessee. The assessee is directed to appear before the A.O on the date fixed for hearing without fail and to furnish complete details in support of its claim for fresh adjudication.

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

*Order pronounced on 29<sup>th</sup> day of September, 2025 at Chennai.*

**Sd/-**  
(मनु कुमार गिरि)  
(Manu Kumar Giri)  
न्यायिक सदस्य / **Judicial Member**

**Sd/-**  
(जगदीश)  
(Jagadish)  
लेखा सदस्य / **Accountant Member**

चेन्नई/Chennai, दिनांक/Dated: 29<sup>th</sup> September, 2025.

EDN/-

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**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