

**INCOME TAX APPELLATE TRIBUNAL: GAUHATI BENCH: GUWAHATI  
BEFORE SHRI RAJESH KUMAR, HON'BLE ACCOUNTANT MEMBER**

**AND**

**SHRI MANOMOHAN DAS, HON'BLE JUDICIAL MEMBER**

ITA No. 192 / GTY / 2024

AY 2017-18

Kakugha Ayemi Imkonglenden Colony Room No. 12, Jasukiye Market, Ayemi Telecommunication, G.S Road PIN-797112, (Nagaland) <b>PAN: ANOPA1930E</b>	The ITO, Ward-1, Dimapur
<b>(Appellant)</b>	<b>(Respondent)</b>

<b>Assessee By:</b>	None
<b>Department By:</b>	Shri Kaushik Ray, JCIT
<b>Date of Hearing:</b>	23-07-2025
<b>Date of Pronouncement:</b>	06.08.2025

**ORDER**

**PER MANOMOHAN DAS, JM**

The assessee filed this appeal against the order of the learned Commissioner of Income Tax (Appeals), National Faceless Appeal Centre, [NFAC] Delhi (hereinafter referred to as the ("CIT(A)" dated 11.07.2024 passed under Section

250 of the Income Tax Act, 1961 (hereinafter referred to as the 'Act') and pertains to the Assessment Year [AY] 2017-18.

2. The brief facts of the case are that, in the intervening night of 8<sup>th</sup> and 9<sup>th</sup> November, 2016 the Central Government announced the demonetization of all bank notes of the denomination of Rs. 500 and Rs, 1,000. It was also announced that new bank notes of denomination of Rs. 500 and Rs. 2000 will be issued to replace the demonetized bank notes. The assessee had deposited the following amounts in the bank after 8<sup>th</sup> November 2016 and before 31<sup>st</sup> of December 2016:

- (i) State Bank of India , Dimapur Rs. 9,00,000/-
- (ii) Indusind bank, Dimapur Rs. 5,00,000/-

No return of income was filed by the assessee and there was no respond to the several notices issued to him. Since, there was no respond from the assessee, the assessment has been completed u/s 144 of the Act making addition of Rs. 14,00,000/- as unexplained money u/s 69A.

3. Being aggrieved, the assessee filed 1<sup>st</sup> appeals before the Id. CIT(A). The Id. CIT(A) vide order dated 11.07.2024 dismissed the appeals of the assessee.

4. Being aggrieved, the assessee filed the present appeal before the Tribunal.

5. We observe that, the Id. CIT(A) dismissed the appeal of the assessee citing the reasons that the assessee failed to furnish return of income. The provision of section 10(26) of the Act also considered by the Id. CIT(A), but due to non-filing of return of income did not consider the additional

evidence furnished by the assessee and finally dismissed the appeal of the assessee.

6. We observe that, the assessee failed to participate in the assessment proceedings. Therefore, assessment was completed under section 144 of the Act. The provision of section 10(26) can be pressed into service by the assessee, and for this purpose, it is our considered opinion that, the case of the assessee should be remanded to the learned Assessing Officer. Accordingly, we remand the case to the file of the Id. AO for de-novo assessment. We direct the Id. AO to reframe the assessment after giving the assessee an adequate opportunity of being heard. At the same time, we direct the assessee to substantiate his claims before the Id. AO. The Ld. DR also has no objection in remanding the case of the assessee to the Id. AO for reconsideration. Thus, we allow the appeal of the assessee for statistical purposes only.

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

8. Order pronounced in the open court on this 6<sup>th</sup> day of August, 2025.

Sd/-  
( Rajesh Kumar)  
Accountant Member

Sd/-  
(Manomohan Das)  
Judicial Member

Date: 06 .08 .2025

Copy forwarded to:-

1. Kakugha Ayemi, Imkonglenden Colony, Room No. 12,  
Jasukiye Market, Ayemi Telecommunication, G.S  
Road PIN-797112, (Nagaland)
2. The ITO, Ward-1, Dimapur
3. The Pr.CIT, Shillong
4. The CIT(A), Shillong
5. The DR, ITAT, Guwahati
5. Guard file

By Order

Assistant Registrar  
ITAT, Guwahati / Kolkata