

**IN THE INCOME TAX APPELLATE TRIBUNAL**  
**“PATNA BENCH, PATNA**  
**VIRTUAL HEARING AT KOLKATA**

**Before Shri Sonjoy Sarma, Judicial Member and Shri Rakesh Mishra, Accountant Member**

**I.T.A. No.372/Pat/2025**  
Assessment Year: 2013-14

**Prabhu Dayal Bhartiya (HUF).....Appellant**

701, Shanti Kunj, Chajjubagh,

Patna, Bihar- 800001..

**[PAN: AACHP7738Q]**

**vs.**

**DC/AC, Circle-4, Patna..... Respondent**

**Appearances by:**

None appeared on behalf of the appellant.

Shri Ashwani Kr. Singal, JCIT, appeared on behalf of the Respondent.

Date of concluding the hearing : October 14, 2025

Date of pronouncing the order : October 15, 2025

**आदेश / ORDER**

**Per Sonjoy Sarma, Judicial Member:**

This appeal is directed by the assessee against the order dated 16.07.2025 passed by the NFAC under section 250 of the Income-tax Act, 1961.

2. Brief facts of the case are that the assessee, a Hindu Undivided Family (HUF), filed its return of income for the assessment year 2013-14 declaring a total income of ₹6,120/-. The case was reopened under section 147 of the Income-tax Act, 1961 on the basis of information received from the Investigation Wing that the assessee was a beneficiary of accommodation entries in the form of Long-Term Capital Gains (LTCG) from the sale of shares amounting to ₹55,16,804/- received from M/s. Aayan Commercial Pvt. Ltd. and its associate concerns. It

was further reported that the assessee had claimed exemption of ₹36,95,540/- under section 10(38) of the Act on account of such alleged bogus LTCG. Accordingly, after obtaining the necessary approval from the competent authority, notice under section 148 of the Act was issued to the assessee. During the reassessment proceedings, the assessee failed to substantiate the genuineness of the share transactions and could not furnish documentary evidence in support of the credits appearing in its books. The Assessing Officer, therefore, treated the amount of ₹44,45,694/- as unexplained cash credits under section 68 of the Act and added the same to the total income of the assessee.

3. Aggrieved by the above assessment, the assessee preferred an appeal before the learned CIT(A). However, the assessee failed to appear or make proper submissions despite several opportunities granted. The learned CIT(A), therefore, passed an ex parte order, confirming the assessment made by the Assessing Officer.

4. In the present appeal before the Tribunal, notices were duly issued by the Registry on consecutive occasions. However, the assessee again failed to appear or cause representation through an authorized counsel. Since the matter cannot be kept pending indefinitely, the appeal was taken up for hearing with the assistance of the learned Departmental Representative.

5. On perusal of the material available on record, it is observed that both the lower authorities have passed ex parte orders due to non-compliance by the assessee. Considering these facts, and in the interest of justice and fair play, we deem it appropriate to restore the matter to the file of the learned CIT(A) with a direction to re-examine the issue afresh after granting a reasonable opportunity of being heard to the assessee. The assessee is also directed to cooperate in the appellate

proceedings and furnish all relevant evidences in support of its claim without fail.

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

***Kolkata, the 15<sup>th</sup> October, 2025.***

Sd/-

**[Rakesh Mishra]**

लेखा सदस्य/Accountant Member

Sd/-

**[Sonjoy Sarma]**

न्यायिक सदस्य/Judicial Member

Dated: 15.10.2025.

RS

*Copy of the order forwarded to:*

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

//True copy//

By order

Assistant Registrar, Kolkata Benches