

**IN THE INCOME TAX APPELLATE TRIBUNAL
AMRITSAR BENCH, AMRITSAR**

(PHYSICAL HEARING)

**BEFORE DR. M. L. MEENA, ACCOUNTANT MEMBER
AND SH. UDAYAN DASGUPTA, JUDICIAL MEMBER**

I.T.A. No. 198/Asr/2025
Assessment Year: 2017-18

Rameez Raja Bhat
Bugam Batapora Chadoora
Budgam, J & K 191113

Vs.

Income Tax Officer,
Ward-2, Srinagar

[PAN: CDVPB 5195D]

(Appellant)

(Respondent)

Appellant by	:	None (Written submission)
Respondent by	:	Sh. Charan Dass, Sr. D.R.
Date of Hearing	:	24.09.2025
Date of Pronouncement	:	10.11.2025

ORDER

Per Udayan Dasgupta, J.M.:

This appeal is filed by the assessee against the order of the ld. CIT(A) NFAC, Delhi dated 05.01.2024 passed u/s 250 of the Income Tax Act, 1961 which has emanated from the order of the ITO, Ward-2 Srinagar u/s 144 of the Act, 1961 dated 29.12.2019.

2. **Condonation of delay:** It is pointed out by the registry that this appeal is filed with a delay of 338 (three hundred thirty-eight days). The assessee has filed an application for condonation of delay along with an affidavit that neither any notices of hearing nor any copy of first appeal order has been received by the assessee and he is engaged in the business of purchase and sales of “*jersy cows /Milch*, and has no knowledge of computer systems and is fully dependent on his lawyer who was suffering from serious kidney problems and was undergoing treatment. The first appeal order dated 5th January, 2024, was never received by the assessee and weather the same was served on his lawyer / counsel, it is also not known to him. The assessee came to know of the appeal order after the penalty notices *u/s 270A and u/s 271AAC (1) both dated 4th February, 2025*, has been served on him physically (a copy of which is attached with the application) by the employee of the verification unit. Thereafter, he appointed his CA, who assisted him in filing this appeal on 4th March, 2025, which is belated by 338 days. He prayed for condonation of delay which was not attributable to him and because of medical issues of his earlier counsel who failed to attend to the online proceedings on his behalf.

3. The Ld. DR raised his objection, considering the length of the delay but considering the medical issues of the counsel he left it the discretion of the bench.

4. We have considered the contents of the affidavit, and the submissions, and even though the delay is long, we are of the opinion that the assessee is a livestock trader engaged in the *purchase and sale of jersey cows* and is not conversant with computer systems and tax matters and is fully dependent on his lawyer, who was medically indisposed. The appeal has been filed within one month of the receipt of the penalty notices, where the assessee learnt about the existence of the appeal order in quantum proceedings, and we conclude that there was no intentional or willful neglect on the part of the assessee in filing this appeal. As such we condone the delay and admit the appeal to be decided on merits.

5. The assessee has taken eight grounds of appeal and all the grounds are related to the addition sustained by the Ld. first appellate authority, on account of SBN deposits of Rs. 13.31 lakhs treated as unexplained u/s 69A plus an addition of Rs. 10.49 lakhs as business profits calculated @ 8% of balance cash deposited in bank throughout the year.

6. In absence of any return on record and in absence of any response to notices issued u/s 142(1) and subsequent notices issued by the AO in course of assessment proceedings, the assessment has been completed ex-parte on the basis of information gathered from banks u/s 133(6) of the Act 61.

7. The matter carried in appeal has been dismissed by the Ld. first appellate authority in absence of any response to notices issued on various dates of hearing and in absence of any explanation to source of cash deposited in banks during demo period.

8. Before the tribunal the Ld. AR of the assessee submitted a short paper book (fresh evidence) containing copies of bank statements, profit and loss A/c, print out of cash book for the relevant period, bank certificates giving break up of SBN deposits and other particulars, and submitted that the assessee is engaged in livestock trading (*purchase and sale of jersey cows*) and the cash deposit in banks are his business sale proceeds , and the total of SBN deposits as certified by bankers is only Rs. 6.12 lakhs (and not Rs. 13.31 lakhs as wrongly observed by the AO), because the rest of the bank deposits as certified by the bank , are all new currency, and he further added that the deposits of SBN are out of availability of cash as on the date of demonetization , as recorded in cash book (now filed for examination) , and he prayed for a proper hearing , because notice of hearing from the first appeal authority has never been received by the assessee.

9. The Ld. DR relied on the order of the Ld. CIT(A) but has no objection if the matter is remanded back.

10. We have considered the materials on record and we find that neither the bankers certificate nor the cash book, has been filed before lower authorities, and the Ld.

CIT(A) has not adjudicated the grounds of appeal on merits in absence of documentary evidences before him and it is also not ascertainable as to which mail id the notice of hearing has been served on the assessee.

11. As such we are of the opinion that interest of justice would be served if the matter is remanded to the Ld. first appellate authority to adjudicate on all the grounds contained in form 35 on merits and the assessee is directed to file all supporting documents including cash book and to fully cooperate in appellate proceedings for proper disposal of the appeal.

12. The assessee will be allowed reasonable opportunity of hearing and notice to be issued as per provisions of section u/s 282 of the Act and also in email id as stated in Form 35.

13. We have not expressed any opinion on merits and all issues are left open

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

Order pronounced in accordance with Rule 34(4) of the Income Tax (Appellate Tribunal) Rules, 1963 as on 10.11.2025

Sd/-
(Dr. M. L. Meena)
Accountant Member

Sd/-
(Udayan Dasgupta)
Judicial Member

GP/Sr.PS

Copy of the order forwarded to:

- (1) The Appellant:
- (2) The Respondent:
- (3) The CIT concerned
- (4) The Sr. DR, I.T.A.T

True Copy

By Order