

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

**Before Shri Duvvuru RL Reddy, Vice-President and
Shri Rajesh Kumar, Accountant Member**

**ITA No.55 /CTK/2025
Assessment Year: 2017-18**

Suresh Kumar Somani.....Appellant
Motu Road, Korukonda B.O,
Alur, Malkangiri (Odisha),
Odissa - 764045..
[PAN: ACXPS8005Q]

vs.

ACIT, Berhampur.....Respondent

Appearances by:

Shri R. B. Doshi, AR, appeared on behalf of the appellant.

Shri Vijay Singh, Sr. DR, appeared on behalf of the Respondent.

Date of concluding the hearing : August 19, 2025

Date of pronouncing the order : November 21, 2025

ORDER

Per Rajesh Kumar, Accountant Member:

This appeal filed by the assessee is directed against the order dated 22.03.2024 of the National Faceless Appeal Centre [‘CIT(A)’] passed under Section 250 of the Income-tax Act, 1961 (hereinafter referred to as “the Act”) for the assessment year 2017–18.

2. The appeal has been filed by the assessee with a delay of 228 days. The assessee has filed an affidavit for condonation of the delay. After considering the reasons cited in the affidavit for condonation of delay, we find that the reasons are valid and consequently, the delay in filing the appeal is hereby condoned and we proceed to dispose of the appeal on merits.

3. Brief facts of the case are that the assessee is an individual and engaged in the business of rice milling and filed return of income for the assessment year under consideration declaring total income of Rs.16,09,480/-. The case of the assessee was selected for complete scrutiny through CASS and notice u/s 143(2) of the Act was issued but there was no compliance from the assessee. During the assessment proceedings, the Assessing Officer noticed that cash payments were made for purchases of broken rice, mahua flower and gunny bags which were exceeding Rs.20,000/- which is in violation of section 40A(3) of the Act. The Assessing Officer further noticed that assessee received goods from Orissa State Civil Supplies Corporation Limited and claimed TDS of Rs. 59477/- but the assessee suppressed Rs.28,75,629/-. As the assessee failed to give satisfactory explanations, the Assessing Officer made addition of Rs.9,72,000/- u/s 40A(3) and Rs.28,75,629/- on account of difference of amount shown in 26AS and books of accounts.

4. Aggrieved by the said order, the assessee filed an appeal before the CIT(A) wherein the Id. CIT(A) dismissed the appeal of the assessee by simply confirming the order of the Assessing Officer due to no-compliance on different dates i.e. 13.01.2021, 01.06.2022 and 08.09.2023.

5. Being dissatisfied, the assessee filed the present appeal before us. At the time of hearing, the Id. AR submitted that the assessee failed to substantiate its case properly before the lower authorities and the Id. CIT(A) has simply dismissed the appeal of the assessee without on merits of the case. The Id. AR submitted that the assessee is now ready to produce relevant documents in support of his case and

prayed for one more opportunity to remit back the matter to the file of the lower authorities for fresh verification.

6. Contrary to that, the Id. DR supports the impugned order.

7. We have heard the rival submissions and perused the records. We find that the Assessing Officer has made the additions only on the ground of non-satisfaction of documents or lack of evidence. We further find that the Id. CIT(A) has dismissed the appeal of the assessee only confirming the order of the Assessing Officer without considering on merits of the case of the assessee and the assessee failed to make compliance before the Id. CIT(A) on consecutive dates. Under the circumstances and on the request of the Id. AR of the assessee, in the interest of natural justice, we deem it fit to remand the issues back to the file of Assessing Officer with the direction to adjudicate the issues afresh after affording sufficient opportunity to the assessee of being heard and also considering all the materials/documents submitted by the assessee. The assessee is directed to fully cooperate in the remand proceedings by submitting all evidences/documents to prove his case and if necessary, the assessee may file new evidences u/r 46A of the I.T. Rules to substantiate his case.

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

Kolkata, the 21st November, 2025.

Sd/-
[Duvvuru RL Reddy]
Vice-President

Sd/-
[Rajesh Kumar]
Accountant Member

Copy of the order forwarded to:

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

vc

//True copy//

By order

Assistant Registrar, Kolkata Benches