



**IN THE INCOME TAX APPELLATE TRIBUNAL
SMC BENCH, ALLAHABAD**

BEFORE SHRI. SUDHANSHU SRIVASTAVA, JUDICIAL MEMBER

ITA No.126/ALLD/2025
Assessment Year: 2017-18

Mohammad Ghufran Hazratganj Karari Manjhanpur Kaushambi (U.P)	v.	The Income Tax Officer 2(5) Kaushambi
TAN/PAN:BPFG0938A		
(Appellant)		(Respondent)

Appellant by:	Shri Mohit Singh
Respondent by:	Shri A. K. Singh, D.R.

ORDER

This appeal has been preferred by the Assessee against the order dated 12.07.2024, passed by the National Faceless Appeal Centre, Delhi (NFAC) for Assessment Year 2017-18.

2.0 The brief facts of the case are that the assessee had not filed the return of income for the year under consideration. The Income Tax Department was in possession of information that the assessee had purchased an immovable property for a consideration of Rs.26,60,000/-. The case of the assessee was reopened under section 147 of the Income Tax Act, 1961 (hereinafter called "the Act") after issuing notice under section 148 of the Act. However, the assessee neither responded to the notice under section 148 of the Act nor filed any return of income for the year under consideration. The Assessing Officer (AO),

thereafter, issued statutory notices to the assessee, requiring the assessee to explain the source of investment made in purchase of the immovable property for a consideration of Rs.26,60,000/- along with documentary evidences and mode of transaction. With regard to the source of purchase of immovable property, the submission of the assessee before the AO was that "*father of the assessee had also invested in purchase of land and had given advance in cash at Rs.14,50,000/- for purchase of land to the sellers i.e Sri Harish Chandra/Prem Chandra and Sri Mahesh Chandra. After the death of his father he had paid Rs.8,00,000/- as advance in cash in F.Y. 2015-16 and the balance of Rs.4,30,000/- in cash in current year and got the sale deed executed on 25.05.2016.*" The AO, thereafter, called for information under section 133(6) of the Act from Shri Prem Chandra S/o Sri Mathura Prasad during the course of assessment proceedings in the case of Shri Harish Chandra for assessment year 2017-18, who had stated vide his reply dated 11.10.2019 that "*the amount was received by him in a single transaction.*" The AO observed that from the reply furnished by Shri Prem Chandra, it was established that the entire amount of Rs.26,80,000/- was paid by the assessee to the sellers, namely Shri Harish Chandra, Shri Prem Chandra and Shri Mahesh Chandra during the year under consideration. Since the

assessee had failed to furnish reasonable explanation alongwith documentary evidence with regard to the source of cash of Rs.26,80,000/- for purchase of immovable property, Rs.26,80,000/- was added to the income of the assessee under section 69 of the Act. The AO completed the assessment under section 147 read with section 144 of the Act.

2.1 The AO also invoked the provisions of section 115BBE of the Act and initiated penalty proceedings under sections 271AAC and 271F of the Act, separately.

2.2 Aggrieved, the Assessee preferred an appeal before the NFAC, which dismissed the appeal of the assessee ex-parte qua the assessee and confirmed the order of the AO.

2.3 Now, the assessee has approached this Tribunal challenging the order of the NFAC, by raising the following grounds of appeal:

- 1. Because No proper opportunity was given to the Appellant, the Notices as mentioned were never served on the appellant.*
- 2. Because No Proper opportunity as given to the appellant to clarify and give explanations to the material being used against him for making such enormous addition.*
- 3. Because Addition was made without appreciating the facts and circumstances, the addition of Rs. 26,80,000/- u/s 69 as Unexplained Investment is bad, illegal and deserves to be deleted.*

4. Because the Order is bad in the eyes of law and against the facts.

3.0 During the course of hearing, one Shri Mohit Singh (assessee's representative) moved an application dated 27.10.2025 on behalf of the assessee for adjournment, stating therein that due to death in the family of the Counsel, he is not attending the office for the last one week and that he could not prepare the appeal. However, looking into facts of the case, I reject the adjournment application and proceed to adjudicate the appeal.

3.1 During the course of hearing, it was brought to my notice that there is a delay of 292 days in filing the appeal before the Tribunal. However, the assessee has not filed any application for condonation of delay in filing the appeal before the Tribunal.

3.2 The Ld. Sr. D.R. submitted that since the assessee has not filed any application for condonation of delay, the appeal be dismissed as un-admitted.

3.3 However, looking into the facts of the case, in the interest of substantial justice, I condone the delay in filing of the appeal and admit the appeal for hearing.

4.0 On merits, the Ld. Sr. D.R., placing reliance on the order of the AO, submitted that the AO had decided the issue in dispute in the right perspective and the NFAC had also rightly confirmed

the order of the AO and, therefore, no interference was called for in the orders of the authorities below.

5.0 I have heard the Ld. Sr. D.R. and have also perused the material on record. It is evident that there was complete non-compliance on the part of the Assessee during the course of first appellate proceedings. However, looking into the facts of this case, I am of the considered view that the Assessee deserves one more opportunity to present his case and, therefore, in the interest of substantial justice, I restore this file to the Office of the NFAC with the direction to hear the appeal on merits. I also caution the Assessee to fully comply with the notices and directions of the NFAC in the set-aside proceedings when called upon to do so, failing which, the NFAC shall be at complete liberty to pass the order in accordance with law, based on material available on record even if it is ex-parte qua the assessee.

6.0 In the result, the appeal of the Assessee stands allowed for statistical purposes.

Order pronounced in the open Court on 21/11/2025.

Sd/-
[SUDHANSHU SRIVASTAVA]
JUDICIAL MEMBER

DATED:21/11/2025

JJ:

Copy forwarded to:

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

By order

Assistant Registrar/DDO