



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

BEFORE SHRI. SUDHANSHU SRIVASTAVA, JUDICIAL MEMBER

ITA No.53/ALLD/2025
Assessment Year: 2017-18

Ramendra Singh Bahadurpur Majhigawan Kannauj (U.P)	v.	The Income Tax Officer Ward 4(2)(3) Kannauj
TAN/PAN:GZQPS7971P		
(Appellant)		(Respondent)

Appellant by:	Shri Shvetank Garg, Advocate
Respondent by:	Shri A. K. Singh, D.R.

ORDER

This appeal has been preferred by the Assessee against the order dated 26.07.2023, 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 huge amounts have been credited to the assessee's bank account No.001311002103008 maintained with Farrukhabad District Central Co-operative Bank, Saurikh, Kannauj by way of cash and credit entries. The Assessing Officer (AO) issued notice under section 142(1) of the Income Tax Act, 1961 (hereinafter called "the Act"), requiring the assessee to furnish the return of income for the year under consideration. However, the said notice was

returned by the postal authorities with the remark “लेने से इन्कार किया। वापस”. Since the assessee had refused to receive the notice, as per provisions of the Income Tax Act, 1961, the AO treated the said notice as deemed service upon the assessee and proceeded to complete the assessment on the basis of Best Judgment Assessment, after issuing show cause notice to the assessee. While completing the assessment under section 144 of the Act, the AO treated the cash deposits of Rs.15,29,500/-, credit through transfer of Rs.22,20,000/- and total interest credited of Rs.92,198/- in his aforementioned bank account during the period 01.04.2016 to 31.03.2017, as unexplained money of the assessee and added the same to the income of the assessee under section 69A of the Act. The AO, after allowing deduction of Rs.10,000/- under section 80TTA of the Act, computed the total income of the assessee at Rs.38,31,700/-.

2.1 The Assessing Officer also invoked the provisions of section 115BBE of the Act and also initiated penalty proceedings under sections 271AAC, 271F and 272(A)(1)(d) of the Act, separately.

2.2 Aggrieved, the assessee preferred an appeal before the Ld. First Appellate Authority. However, the appeal before the Ld.

First Appellate Authority came to be dismissed ex-parte qua the assessee.

2.3 Now, the assessee has approached this Tribunal challenging the orders of the AO as well as the NFAC by raising the following grounds of appeal:

1. Section 144 (Addition Deposit and credit entrees as per bank statement) The amount of cash deposit was only Rs.15,29,5000/- out of this Total deposit of Rs.38,41,698/- and all Deposit and credit treated as un-explained money in bank account, IT act u/s 69A, But the amount of Rs.15,29,500/" was the receipt from Sales of Agricultural Land, and NEFT/TRF Credit highway land acquisition amount of compensation self-joint bank a/c of Rs.22,20,000/-, & interest credited in saving a/c Rs.92,199/- which Amount of Net income, was below tax limit.

2. Section 144 (Addition of credit entries as per bank statement) All the credit entrée by Rs.22,20,000/- receipt through NEFT/TRF Credit highway land acquisition amount of compensation from self another joint bank A/c, Gross receipts were Rs.38,41,698/- And all cash withdrawal & Payments were Rs.10,27,000/- thus there was Net taxable Income 92,199/- in Expected & Agricultural Income 72,910/- Thus there was no other Income which from mandatory taxability creating for filing ITR.

3. Section 144/ 142(1) (ex-Parte assessment order pass out)

That the service of time notice u/s 142 (1) the assessee was not present at home addressee and Postman person note, that not agree to received it's un-served, the assessee has not received the order u/s 144, In there cases assessee was visit to concerned AO, and on payment of prescribed fees, he was inspect the file and take photocopies of desired documents like assessment order, notice of demand etc on Date 24/01/2020, the notice u/s 144 for the hearing of the case was fixed on 29/08/2019 on to this Date Assessee become Serious illness and Could not attend on fixed Date. (Medical Certificate attached).

3.0 The Ld. Authorized Representative for the assessee (Ld. A.R.) submitted that there is a delay of 538 days in filing the appeal before the Tribunal. He further submitted that the assessee had filed an application dated 21.03.2025 for condonation of delay, stating therein that the assessee was a farmer and was not conversant with the online proceedings and, therefore, he could not access the order from the online portal of the Department. It was further stated that the impugned order passed by the Ld. First Appellate Authority was not received by the assessee and that it was only when the ITO, Ward 4(2)(3), Kannauj had sent a notice dated 03.02.2025 at the residential address of the assessee, raising a demand that the assessee had come to know about the passing of the impugned order by the Ld. First Appellate Authority. The prayer of the Ld. A.R. was that

the delay caused in filing the appeal was not deliberate and that it was beyond the control of the assessee, which may please be condoned and the appeal be heard on merits.

4.0 The Ld. Sr. D.R. had objected to the delay being condoned.

5.0 In view of the prayer made by the Ld. A.R., I condone the delay in filing of the appeal and admit the appeal for hearing.

6.0 During the course of hearing, the Ld. Authorized Representative for the assessee (Ld. A.R.) submitted that both the authorities below have passed ex-parte orders without affording reasonable opportunity of hearing to the assessee. The Ld. A.R. prayed that the matter may be restored to the file of the AO and if an opportunity is given, the assessee will produce all the relevant documents relating to the credit entries in the bank account of the assessee.

7.0 The Ld. Sr. D.R. objected to the restoration of the appeal to the file of the AO as prayed by the assessee and submitted that the appeal of the assessee be dismissed.

8.0 I have heard both parties and have also perused the material on record. It is seen that both the lower authorities have passed ex-parte orders qua the assessee, as the assessee was non-compliant to the notices issued by the authorities below.

However, looking into these facts of the case, I am of the considered view that the Assessee deserves one more opportunity to present his case and, therefore, I restore this file to the Office of the Assessing Officer with the direction to provide one more opportunity to the Assessee to explain the source of credit entries in his bank account. I also caution the Assessee to fully comply with the directions of the Assessing Officer in the set-aside proceedings when called upon to do so, failing which, the Assessing Officer would be at complete liberty to pass the order in accordance with law, based on the material available on record even if it is ex-parte qua the assessee.

9.0 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