

**IN THE INCOME TAX APPELLATE TRIBUNAL
VISA KHAPATNAM BENCH, VISA KHAPATNAM**

श्री संदीप सिंह करहेल, माननीय न्यायिक सदस्य एवं
श्री ओम्कारेश्वर चिदरा, माननीय लेखा सदस्य

**SHRI SANDEEP SINGH KARHAIL, HON'BLE JUDICIAL MEMBER
AND
SHRI OMKARESHWAR CHIDARA, HON'BLE ACCOUNTANT MEMBER**

आयकर अपील सं./I.T.A. No.151/VIZ/2025
(निर्धारणवर्ष/ **Assessment Year: 2018-19**)

Mangamma Chirumamilla Guntur PAN: ABLPC7009D	Vs.	Income Tax Officer Ward-2(1) Guntur
(अपीलार्थी/ Appellant)		(प्रत्यर्थी/ Respondent)

करदाता का प्रतिनिधित्व/ Assessee Represented by	:	None
राजस्व का प्रतिनिधित्व/ Department Represented by	:	Dr.Aparna Villuri, Sr.AR
सुनवाई समाप्त होने की तिथि/ Date of Conclusion of Hearing	:	15/12/2025
घोषणा की तारीख/ Date of Pronouncement	:	18/12/2025

ORDER

PER OMKARESHWAR CHIDARA, AM:

This appeal is filed by the assessee against the order of the Commissioner of Income Tax(Appeals) ["Ld.CIT(A)"], National Faceless Appeal Centre ("NFAC"), Delhi in DIN & Order No. ITBA/NFAC/S/250/2024-25/1072464089(1) dated 23.01.2025 arising

out of the order passed u/s.147 r.w.s. 144 of the Income Tax Act, 1961 (in short “the Act”), dated 12.03.2024 for the A.Y. 2018-19.

2. The case was posted for hearing on 30.04.2025, 02.06.2025, 31.07.2025, 09.08.2025, 25.08.2025, 27.10.2025, 19.11.2025, 02.12.2025 and finally on 15.12.2025. From the record, it is observed that no one represented from the assessee’s side. However, sometimes, one Mr. Sunil Surana filed adjournment letters. But from the record, it is observed that he does not have the power of attorney. There is no authorized counsel also. In view of the same, it is presumed that the assessee is not interested in pursuing the appeal.

3. As mentioned above, on 15.12.2025 also, when the case was posted for hearing, none represented the assessee, as usual.

4. Since none appeared on behalf of the assessee, the issues are decided based on the material available on record, i.e., assessment order, CIT(A) order and the grounds of appeal. From the assessment order, it is seen that the assessee has got interest income, amount received towards sale of immovable property, fixed deposits in a nationalized bank. The assessee has also deposited Rs.10,00,000/- cash in her bank account. As the assessee did not file return of income, the Ld.AO issued notices u/s 148 of the Act on 08.04.2022. As there

was no compliance to the notice issued u/s 148, the Ld.AO started assessment proceedings by issuing notice u/s 142(1), notice u/s 144 and also a show cause notice to explain the sources of cash deposits, fixed deposits and also the assessee was asked about the capital gain tax to be paid on the property, which was sold by her. In response to these notices, the assessee made the following remarks, instead of giving reply to the details to be furnished as mentioned in the show cause notice issued by the Ld.AO :

“Respected Sir, I am a widow lady, don’t know English, 70 years old unable to walk with a lot of health issues, my husband had plot which I sold n got money that is only true. Pls consider my request and oblige thank you ch.mangamma.”

5. As there is no response with regard to the source of cash deposits and fixed deposits as well as capital gains tax payable on the sale of property, the Ld.AO made addition of Rs.3,88,20,359/- while completing the assessment u/s 147 r.w.s. 144 of the Act.

6. Aggrieved by the additions made by the Ld.AO, the assessee filed appeal before the Ld.CIT(A). During the appellate proceedings, the assessee submitted that she is an uneducated old widow, living in a small town of Guntur, Andhra Pradesh. In 2003, a property was purchased and the same was sold during the F.Y.2017-18. From the sale proceeds of the house, it was mentioned that the same was

invested in fixed deposit and she is having some interest income. As far as the source of cash deposit of Rs.10,00,000/- is concerned, it was claimed that she has got an agricultural land and was deriving agricultural income, out of which, cash of Rs.10,00,000/- was deposited in the bank account. It was also mentioned in the written submission, that she is uneducated and had no idea that she has to file a return of income on the above earnings. In the same written submission, it was mentioned that the additions made are not correct, because, the whole sale consideration was treated as capital gain, without reducing the cost of purchase of the same immovable property. The Ld.AO should have considered about past savings and agricultural income before making the addition of cash deposits of Rs.10,00,000/-. It was mentioned before the Ld.CIT(A) that the notices issued u/s 148A(b) are not correct, because the income chargeable to tax, which has escaped assessment was not mentioned in the notice and hence, reopening of the assessment itself is bad in law. For this proposition, certain cases law were filed before the Ld.CIT(A) and the same were reproduced by him at page 7 of the appellate order. As the notice issued by the JAO itself is invalid, the assessment framed based on the notice also is not correct in the eyes of law.

7. After considering the submissions of the assessee, the Ld.CIT(A) held that the issues raised by the assessee require extensive enquiry and also in the interest of natural justice and to ensure a fair play, the issues were remitted back to the file of the Ld.AO, as no evidences were filed before the Ld.AO also with regard to the additions made therein.

8. Aggrieved by the order of the Ld.CIT(A), an appeal was filed before the ITAT, stating that the fixed deposits were made out of the sale proceeds of property, cash deposits was made out of agricultural income and savings, the total sale consideration cannot be treated as short term capital gain and the notice issued u/s 148 was also without jurisdiction.

9. As mentioned above, as there was no representation from the side of the assessee, despite giving several opportunities, it is decided by the Bench that the view of the Ld.CIT(A) is correct. Because, this first appellate authority has remitted the issues back to the Ld.AO as there were no proper evidences and no enquiries were also caused with regard to the sources of deposits and levy of capital gain tax on sale of immovable property. Thus, the appeal of the assessee is dismissed and the view of the Ld.CIT(A) is hereby endorsed with respect to remitting of the issues back to the file of the Ld.AO.

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Mangamma Chirumamilla

10. In the result, appeal of the assessee is dismissed.

Order pronounced in the open court on 18th December, 2025.

<p>Sd/- (संदीप सिंह करहेल) (SANDEEP SINGH KARHAIL) न्यायिक सदस्य/JUDICIAL MEMBER</p>	<p>Sd/- (ओम्कारेश्वर चिदरा) (OMKARESHWAR CHIDARA) लेखा सदस्य/ACCOUNTANT MEMBER</p>
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Visakhapatnam,
Dated 18.12.2025.
L.Rama/SPS

आदेश की प्रतिलिपि अग्रेषित/ **Copy of the order forwarded to:-**

1.	निर्धारिती/The Assessee	:	Smt.Mangamma Chirumamilla, 4-5-4/8B, 2 nd Lane, Navbharat Nagar, Ring Road, Guntur
2.	राजस्व/ The Revenue	:	The Income Tax Officer, Ward-2(1), Income Tax Office, Lakshmipuram Main Road, Guntur
3.	The Principal Commissioner of Income Tax, Visakhapatnam		
4.	विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण / DR,ITAT, Visakhapatnam.		
5.	The Commissioner of Income Tax		
6.	गार्डफ़ाईल / Guard file		

आदेशानुसार / BY ORDER

Sr. Private Secretary
ITAT, Visakhapatnam.