

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

**BEFORE : SHRI S. RIFAUR RAHMAN, ACCOUNTANT MEMBER
AND
SHRI SUNIL KUMAR SINGH, JUDICIAL MEMBER**

**ITA No. 439/Agr/2025
Assessment Year: 2020-21**

Dharamveer Rathore, Shastri Market, Nayapura, Dr. S.P. Jain ke Pass, Guna, Gwalior	Vs.	Income-tax Officer, Guna.
PAN :CWNPR9153A		
(Appellant)		(Respondent)

Assessee by	Sh. Rajendra Sharma, Advocate
Department by	Sh. Shailendra Srivastava, Sr. DR

Date of hearing	17.12.2025
Date of pronouncement	29.12.2025

ORDER

PER : SUNIL KUMAR SINGH, JUDICIAL MEMBER:

This appeal has been preferred by assessee against the impugned order dated 18.07.2025 passed in Appeal No. NFAC/2019-20/10467367 by the Ld. Commissioner of Income-tax (Appeals), NFAC, Delhi u/s. 250 of the Income-tax Act, 1961 (hereinafter referred to as "the Act") for the assessment year 2020-21, wherein the Id. CIT(Appeals) has dismissed assessee's first appeal ex parte.

2. Brief facts state that the assessee filed return of income for A.Y. 2020-21, declaring total income of Rs.6,15,630/-. A search and seizure operation u/s. 132 of the Act was carried out in the case of P.N. (Prem Nagar) group (belong to Rathore family) on 09.01.2020. During the operation, various incriminating documents regarding unsecured loan were seized. From the seized documents, it was revealed that the assessee has given unsecured loan of Rs.20 lacs to the entities related to P.N. group (Ghanshyam Rathore). It was further noticed that the cash was deposited in assessee's bank account and immediately transferred to entities related to P.N. group (Ghanshyam Rathore) in the name of unsecured loans. Case was reopened u/s. 147 and notice u/s. 148 was issued. Statutory notices u/s. 143(2) and 142(1) of the Act along with show cause notice were issued. Assessee was required to furnish the nature of his business, books of account, bank account statement, balance sheet, profit and loss account, source of cash deposits and details of unsecured loans given by the assessee. Assessee made submissions before Id. Assessing Officer. After considering the assessee's response, assessment proceedings were completed and assessed total income of Rs.5,80,91,518/-.
3. Assessee preferred first appeal before learned CIT(Appeals), who dismissed assessee's appeal ex parte.

4. Assessee has preferred this second appeal on the ground, in addition to others, that the impugned order has been passed in violation of the principles of natural justice without affording sufficient opportunity of hearing to the assessee.

5. Perused the records and heard learned representative for the assessee and learned DR for revenue. Initially, learned AR filed an adjournment application, which was rejected.

6. Perusal of the first appellate order shows that the assessee was issued various notices during the first appellate stage on 22.05.2025, 03.06.2025, 26.06.2025 and 02.07.2025, but the assessee did not make any submission during the first appellate stage, which compelled the Id. CIT(Appeals) to pass ex parte impugned order. Such an irresponsive conduct of the assessee is not acceptable. We, however, note that the Id. CIT(Appeals) has passed ex parte order without any discussion on merits, which is not in consonance with the spirit of section 250(6) of the Act, wherein learned CIT(Appeals) was expected to state the points for determination, decision thereon and the reasons for the decision. In such circumstances and in the interest of justice, we deem it just and proper to remit the matter back to the file of learned CIT(Appeals) for deciding the appeal afresh in accordance with law after taking assessee's submissions into consideration. We further direct the assessee to be diligent and cooperative in attending the proceedings and making submissions before

the learned CIT(Appeals) for the expeditious and effective disposal. Needless to say that learned CIT(Appeals) shall ensure the observance of the principles of natural justice. The appeal is thus liable to be allowed for statistical purposes.

7. In the result, the appeal is allowed for statistical purposes.

Order pronounced in the open court on 29.12.2025.

Sd/-
(S. RIFAUR RAHMAN)
ACCOUNTANT MEMBER

Sd/-
(SUNIL KUMAR SINGH)
JUDICIAL MEMBER

Dated: 29.12.2025

*aks/-

Copy forwarded to:

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

Asst. Registrar, ITAT, Agra