

**IN THE INCOME TAX APPELLATE TRIBUNAL
VARANASI CIRCUIT BENCH, VARANASI**

BEFORE SHRI ANADEE NATH MISSHRA, ACCOUNTANT MEMBER

I.T.A. No.111/Vns/2024
Assessment year:2011-12

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| Samsher Singh, Renukoot, Sonebhadra PAN: ANUPS 9996C (Appellant) | Vs. | Income Tax Officer-III, Sonebhadra. (Respondent) |
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| Appellant by | None |
| Respondent by | Shri G.P. Singh, D.R. |

ORDER

This appeal vide I.T.A. No.111/Vns/2024 has been filed by the assessee for assessment year 2011-12 against impugned appellate order dated 29/05/2023 (DIN & Order No. ITBA/NFAC/S/250/2023-24/1053271544(1) of National Faceless Appeal Centre, (NFAC), Delhi.

2. In this case, exparte assessment order under Section 147/144 of the Income Tax Act, 1961 (in short the Act) was passed by the Assessing Officer, whereby the Assessing Officer estimated income of the assessee at Rs.13,13,540/- by applying adhoc estimated rate of 5% on assessee's transactions totaling Rs.2,62,70,745/- on MCX (Multi Commodity Exchange) futures. The learned CIT(A) dismissed the assessee's appeal ex-parte, in a summary manner, without passing a speaking order on merits of the case. This is in violation of statutory duty of learned CIT(A), as contained in Section 250(6) of the Act to pass speaking order for determination. Further,

the assessment order was also passed ex-parte without providing reasonable opportunity to the assessee.

3. At the time of hearing, learned Departmental Representative (DR) for Revenue left the decisions to the discretion of the Bench. In view of the foregoing, the impugned order of the learned CIT(A) is set aside and the issue in dispute regarding addition made in the assessment order is restored back to the file of the AO with a direction to pass denovo assessment order on these issues in accordance with law, after providing reasonable opportunity to the assessee, and, in accordance with law.

4. In the result, the appeal of the assessee stands partly allowed for statistical purposes.

(Order pronounced in the open court on 05/01/2026)

Sd/.
(ANADEE NATH MISSHRA)
Accountant Member

Dated:05/01/2026

Aks/-

Copy of the order forwarded to :

1. The Appellant
2. The Respondent.
3. Concerned CIT
4. D.R., I.T.A.T.,