

**आयकर अपीलीय अधिकरण, सूरत न्यायपीठ, सूरत**  
IN THE INCOME TAX APPELLATE TRIBUNAL, SURAT BENCH, SURAT  
BEFORE SHRI DINESH MOHAN SINHA, JUDICIAL MEMBER AND  
SHRI BIJAYANANDA PRUSETH, ACCOUNTANT MEMBER  
आयकर अपील सं./ITA No. 222/SRT/2025 (AY 2017-18)

(Physical hearing)

Ronil Vinubhai Gujarati 3, Shanti Van Society, Near Dabholi Char Rasta, Katargam, Surat-395 004 [PAN : AUAPG 1447 K]	बनाम Vs	Income Tax Officer, Ward-3(2)(3), Surat, Aayakar Bhawan, Majura Gate, Opp. Civil Hospital, Surat-395 001
अपीलार्थी/Appellant		प्रत्यर्थी /Respondent

निर्धारिती की ओर से /Assessee by	Shri Anil K. Shah, AR
राजस्व की ओर से /Revenue by	Shri Ajay Uke– Sr-DR
सुनवाई की तारीख/Date of hearing	04.09.2025
उद्घोषणा की तारीख/Date of pronouncement	28.11.2025

**Order under section 254(1) of Income Tax Act**

**PER DINESH MOHAN SINHA, JUDICIAL MEMBER:**

This appeal by assessee is directed against the order of National Faceless Appeal, Centre (NFAC), Delhi/Ld. Commissioner of Income-tax, Appeal [for short, "Ld. CIT(A)"] dated 23.12.2024 for the assessment year 2017-18, which in turn arises out of an assessment order passed by the Assessing Officer (in short, "AO") under section 144 of Income-tax Act, 1961 ('the Act') on 08.12.2019. The assessee has raised the following grounds of appeal:-

"1) The ld. CIT(A) has erred in confirming the addition of Rs.39,17,500/- u/s 69A being the credit entries in bank account.

2) The ld. CIT(A) and AO have not considered our submission.

3) The ld. CIT(A) has erred in not considering the nature of business of the 'A'.

4)The 'A' requests to set aside case to the file of the CIT(A) or AO as your honour deems fit.

5) Additional ground: the ld. AO has wrongly invoked S.115BBE."

2. Brief facts of the case that assessee filed his return of income on 31.03.2018 declaring total income of Rs.3,09,620/-. Subsequently, case was selected for limited scrutiny by issuing notice u/s 143(2) of the Act on 30.08.2018. There were four notices issued by AO non compliance on the part of assessee. Thereafter AO passed ex parte on the basis of materials available on record. The addition of Rs.39,17,500/- made by AO.

3. Aggrieved by the order of the AO, the assessee filed an appeal before the Ld.CIT(A) who dismissed the appeal vide order dated 23.12.2024. That the assessee filed an appeal against the impugned order of the Ld. CIT(A) dated 23.12.2024 before us.

4. We have heard both the parties and perused the material available on record and also perused the order of Ld. CIT(A). We note that assessee has submitted reply against the notice issued on 19.08.2019 before AO but the same was not considered by the AO while passing the ex parte order u/s 144 of the Act. A copy of the receipt of filing the reply is placed on record at page-2 along with the paper book. The Ld. AR further stated that the reply submitted and documents furnished to Ld. CIT(A) also but Ld. CIT(A) neither asked any remand report from the AO and arbitrarily dismissed the appeal of assessee. It was further stated that assessee himself an authorized agent Distributor of Interactive Financial & Trading Service Pvt. Ltd. (IFST, in short) which is engaged in the business of promotion services like collection of taxes, funds on behalf of various private and government entities as they also give to collection of recharge of any co-mobile, DTH recharge, booking of travel ticket, air tickets, railway, bus etc., booking of movie tickets, electricity bill payment and other CMS services. DMR, company is principal banking correspondence and our franchise

are banking correspondence through company and doing the business in the name of Krishna Traders. The assessee collected the payment from clients –cum-customer and deposited into his bank account and then transfer the payments to the company bank account and company provides balance to assessee’s portal as in wallet and those assessee forwarded to its clients. As clients use their portal wallet money for using various services as it updated with commission payment. The assessee earned commission ranging from Rs.80/- to Rs.200/- per Rs.1,00,000- remitted. The commission is variable as per services such as DISH, TV recharges, mobile recharge, ticket booking, utility bill payment, domestic money transfer. Before us Ld. AR prayed that one more opportunity should be given to contest the case before AO. The Ld. Sr-DR did not raise any objection if the matter back to the file of AO. After considering the facts and circumstances of the case we are inclined to set aside the order of Ld.CIT(A) and remand this matter back to the file of AO for a fresh adjudication after giving opportunity of hearing to the assessee, uninfluenced by his earlier order in any manner. The assessee is also directed to ensure participation in the hearings as may be fixed by AO and do not seek unnecessary adjournments failing which the AO shall be at liberty to pass appropriate order in accordance with law.

5. In the result, the appeal of the is allowed for statistical purposes.

Order pronounced in the open court on 28/11/2025.

Sd/-  
(BIJAYANANDA PRUSETH)  
लेखा सदस्य/Accountant Member

Sd/-  
(DINESH MOHAN SINHA)  
न्यायिक सदस्य/Judicial Member

सूरत / Surat Dated: 28/11/2025

Dkp Outsourcing Sr.P.S\*

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

- अपीलार्थी/ The Appellant
- प्रत्यर्थी/ The Respondent
- आयकर आयुक्त/ CIT
- विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, सूरत/ DR, ITAT, SURAT
- गार्ड फाईल/ Guard File

By order/आदेश से,

// True Copy //

सहायक पंजीकार  
आयकर अपीलीय अधिकरण, सूरत