

आयकर अपीलीय न्यायाधिकरण में, विशाखापट्टनम 'एस एम् सी' बेंच,  
**IN THE INCOME TAX APPELLATE TRIBUNAL**  
**Visakhapatnam "SMC" Bench, Visakhapatnam**

श्री विजय पाल राव,माननीय उपाध्यक्ष एवं श्री ओम्कारेश्वर चिदारा, माननीय लेखा सदस्य  
**SHRI VIJAY PAL RAO, HON'BLE VICE PRESIDENT**  
**AND**  
**SHRI OMKARESHWAR CHIDARA, HON'BLE ACCOUNTANT MEMBER**

आयकर अपीलसं./I.T.A.No.734/Viz/2025  
(निर्धारण वर्ष/ Assessment Year: 2019-20)

The Officers Recreation Club Guntur  PAN : AABTT5917E <b>(अपीलार्थी/ Appellant)</b>	Vs.	Income Tax Officer Ward-1 Bapatla  <b>(प्रत्यर्थी/ Respondent)</b>
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करदाता का प्रतिनिधित्व/ Assessee Represented by	:	Sri Sanket Joshi, CA (Hybrid)
राजस्व का प्रतिनिधित्व/ Department Represented by	:	Dr.Aparna Villuri, Sr. A.R.
सुनवाई समाप्त होने की तिथि/ Date of Conclusion of Hearing	:	19.01.2026
घोषणा की तारीख/ Date of Pronouncement	:	30.01.2026

**ORDER**

**PER OMKARESHWAR CHIDARA, A.M :**

This appeal filed by the assessee is directed against the order of the learned Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi dated 10.09.2025, pertaining to the assessment year 2019-20.

2. The only issue to be adjudicated in this assessee's appeal is whether Ld.CIT(A) is correct in dismissing the appeal *in limine*, i.e, without adjudicating the issue on merits.

3. The appellant's main grievance is that the Ld.AO made an addition of Rs.59,63,560/- towards unexplained money u/s 69A of the Income Tax Act, 1961 ("the Act"), which are basically cash deposits made with the assessee's bank account. The Ld.CIT(A) confirmed the addition made by the Ld.AO as there is no response from assessee to the notices issued by this First Appellate Authority.

4. Aggrieved by the addition confirmed by Ld.CIT(A), the assessee filed an appeal to ITAT stating that the order of Ld.CIT(A) is not sustainable in the eyes of law as the appeal order was passed without adjudicating issue on merits and it is only a dismissal simplicitor due to non-compliance on the part of assessee.

5. Before ITAT, Ld.AR of appellant has stated that the appeal order of Ld.CIT(A) is invalid in the eyes of law in view of Hon'ble Bombay High Court's decision of Prem Kumar Arjundas Luthra (297 CTR 614), where it was held that CIT(A) does not have the

power to dismiss the appeal due to non-compliance of hearing notices by assessee and CIT(A) has to adjudicate on the merits of the case also when certain grounds of appeal are raised on merits/issues. It was also submitted by Ld.AR of appellant that the main Office Bearer of appellant society, Shri Chaganti Ramesh who looks after Income Tax matters of Society was undergoing medical treatment and hence could not attend to the hearing notices. Hence, the order of Ld.CIT(A) is not correct, it was concluded by Ld.AR of appellant.

6. The Ld.DR relied on the orders of lower authorities and submitted that the addition should be upheld as the mistake lies with appellant.

7. After hearing both sides, the Bench is convinced with the arguments of Ld.AR of appellant that there is sufficient reason for non-compliance of notices issued by Ld.CIT(A) by the office bearer of appellant society. Hence, it is decided to remit the issue to the file of Ld.CIT(A) to adjudicate the issue on merits after giving an opportunity to appellant.

8. In the result, appeal of the assessee is allowed for statistical purpose.

Order pronounced in the Open Court on 30<sup>th</sup> January, 2026.

<p>Sd/- (विजय पाल राव) <b>(VIJAY PAL RAO)</b> उपाध्यक्ष /<b>VICE PRESIDENT</b></p>	<p>Sd/- (ओम्कारेश्वर चिदारा) <b>(OMKARESHWAR CHIDARA)</b> लेखा सदस्य/<b>ACCOUNTANT MEMBER</b></p>
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Hyderabad,  
dated 30.01.2026.  
**L.Rama/sps**

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

1.	निर्धारिती/The Assessee	:	The Officers Recreation Club, 10-6, Main Road, Polamandipadu, Guntur, Podanandipadu
2.	राजस्व/ Revenue	The :	Income Tax Officer, Ward-1, D.No.15-8-166, Lakshmi Bhavan, GBC Road, Bapatla, Andhra Pradesh
3.	The Principal Commissioner of Income Tax, Visakhapatnam		
4.	विभागीयप्रतिनिधि, आयकर अपीलीय अधिकरण, हैदराबाद / DR, ITAT, Visakhapatnam		
5.	गार्डफ़ाईल / Guard file		

आदेशानुसार / BY ORDER

Sr. Private Secretary  
ITAT, Visakhapatnam

1.	Draft dictated on	27.01.2026	
2.	Draft placed before author	27.01.2026	
3.	Draft proposed & placed before the second Member/VP		
4.	Draft discussed/approved by second Member		
5.	Approved Draft comes to the Sr.P.S./PS		
6.	Kept for pronouncement on		
7.	File received by Sr.PS / PS		
8.	File sent to the Bench Clerk		
9.	Date on which file goes to the Head Clerk		
10.	Date of Dispatch of order		