

IN THE INCOME TAX APPELLATE TRIBUNAL "PATNA BENCH", PATNA
(VIRTUAL HEARING AT KOLKATA)

SHRI LAXMI PRASAD SAHU, ACCOUNTANT MEMBER
SHRI SONJOY SARMA, JUDICIAL MEMBER

I.T.A. No. 478/PAT/2025
(Assessment Year 2015-16)

Rakesh Kumar Singh,

Bhojpur Bhawan House No. 165,
Anandpuri West Boring Canal Road,
Patna - 800001

[PAN: BWCPS9895L]

..... **Appellant**
vs.

ITO Ward 5(1), Patna

Loknayak Bhawan, Dakbanglow
Chowk, Patna - 800001

..... **Respondent**

Appearances by:

Assessee represented by : Shri Amar Kriti, Adv.
Department represented by : Shri Manab Adak, JCIT

Date of concluding the hearing : 14.01.2026

Date of pronouncing the order : 16.01.2026

ORDER

PER SONJOY SARMA, JUDICIAL MEMBER

This appeal arises from order dated 13.10.2024, passed u/s 250 of the Income Tax Act, 1961 (hereafter "the Act") by the Ld. Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi [hereafter "the Ld. CIT(A)].

2. Brief facts of the case are that the assessee is an individual. Reassessment proceedings were initiated against the assessee under section 147 of the Income-tax Act, 1961 for the assessment year 2015-16 on the basis of alleged cash deposits of ₹1.61 crore in a bank account purportedly maintained with State Bank of India (SBI). Accordingly, notice

under section 148 of the Act was issued requiring the assessee to explain the source of such cash deposits and to file the return of income. Due to alleged non-compliance, the Assessing Officer completed the assessment ex parte under section 144 read with section 147 of the Act by making an addition of ₹1,66,09,988, which included ₹1,61,00,000 as unexplained cash deposits and ₹5,09,988 as salary income, treating the same as unexplained income under section 69A of the Act.

3. The assessee preferred an appeal before the CIT(A). However, the CIT(A) dismissed the appeal on the ground of delay without condoning the same and without adjudicating the issues on merits.

4. Aggrieved, the assessee is in appeal before the Tribunal.

5. At the time of the hearing the learned AR submitted that the reassessment proceedings themselves are bad in law as the assessee has never maintained any bank account with SBI as alleged by the Assessing Officer. It was contended that the very foundation of reopening is erroneous. It was further submitted that the assessee obtained an official certificate dated 24.05.2025 from State Bank of India, Debra A.C.B. Branch, categorically confirming that no bank account exists in the name of the assessee in any branch of SBI. Despite this crucial evidence, neither the Assessing Officer nor the CIT(A) examined this factual aspect.

6. The learned AR further submitted that the CIT(A) erred in dismissing the appeal merely on the ground of delay without adjudicating the case on merits, particularly when the assessment was framed ex parte under section 144, thereby depriving the assessee of adequate opportunity of being heard. It was prayed that the matter be restored to the file of the Assessing Officer for fresh examination.

7. On the other hand, the learned DR supported the orders of the authorities below.

8. We have heard the rival submissions and perused the material available on record. It is evident that the reassessment proceedings were initiated solely on the basis of alleged cash deposits in an SBI bank account. However, the assessee has categorically stated that no such bank account was ever maintained by him. We find that an official certificate issued by State Bank of India confirming non-existence of any bank account in the name of the assessee was placed on record. This crucial factual aspect has not been examined either by the Assessing Officer while framing the assessment under sections 147/144 of the Act or by the CIT(A). Further, the CIT(A) dismissed the appeal on the ground of delay without adjudicating the issues on merits, which, in our considered view, is not justified in the facts of the present case. When the very basis of reopening is disputed on factual grounds, the same requires proper verification. In the interest of justice, this issue needs fresh examination.

9. Accordingly, we set aside the impugned order and restore the matter to the file of the Assessing Officer with a direction to verify the factual claim of the assessee regarding non-existence of the alleged bank account. If it is found that no such bank account was maintained by the assessee, the Assessing Officer shall grant appropriate relief in accordance with law after providing reasonable opportunity of being heard to the assessee.

10. In terms of the above appeal of the assessee is allowed for statistical purpose.

Order pronounced on 16.01.2026

Sd/-
(Laxmi Prasad Sahu)
Accountant Member

Sd/-
(Sonjoy Sarma)
Judicial Member

Dated: 16.01.2026

AK, Sr. P.S.

Copy of the order forwarded to:

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

//True copy//

By order

Sr. Private Secretary/Assistant Registrar, Patna Bench