

आयकर अपीलीय अधिकरण, चण्डीगढ़ न्यायपीठ, चण्डीगढ़
IN THE INCOME TAX APPELLATE TRIBUNAL
DIVISION BENCH, 'B' CHANDIGARH

**BEFORE SHRI RAJPAL YADAV, VICE PRESIDENT AND
SHRI MANOJ KUMAR AGGARWAL, ACCOUNTANT MEMBER**

आयकर अपीलसं. / ITA No. 548/CHD/2023
निर्धारण वर्ष / Assessment Year: 2018-19

Shri Paramjit Singh, Village-Hansali Khera, Distt. Fatehgarh, Punjab.	Vs	The ITO, Ward 6(1), Chandigarh.
स्थायीलेखासं./PAN NO: DMHPS4546F		
अपीलार्थी/Appellant		प्रत्यर्थी/Respondent

Assessee by : Shri Parikshit Aggarwal, CA
Revenue by : Dr. Ranjit Kaur, Addl. CIT Sr. DR

Date of Hearing : 04.02.2026
Date of Pronouncement : 05.02.2026

PHYSICAL HEARING

ORDER

PER RAJPAL YADAV, VP

The assessee is in appeal before the Tribunal against the order of Id. Commissioner of Income Tax (Appeals) [in short 'the CIT (A)'] dated 13.03.2023 passed for assessment year 2018-19.

2. The assessee has raised three grounds of appeal, however, his grievance revolves around a single issue, namely, the Id.CIT (Appeals) has erred in confirming the addition of

Rs.70,6,254/- which was added by the AO with the aid of Section 68 of the Income Tax Act.

3. With the assistance of ld. Representative, we have gone through the record carefully. It emerges out that ld.CIT (Appeals) has not adjudicated the appeal on merit, rather dismissed it for want of prosecution. Sub Section (6) of Section 250 of the Income Tax Act contemplates that ld.CIT (Appeals) would state the points in dispute and thereafter record reasons on those points. It is also pertinent to note that assessment order has also been passed u/s 143(3) read with Section 144B of the Act. The case of the assessee is that he is an agriculturist and source of deposits in the bank was from agriculture income and other allied activities, however, such details have not been submitted before AO, therefore, after going through the complete record, we are of the view that ends of justice would meet if we set aside both the orders and restore these issues to the file of AO for fresh adjudication. It is further observed that whenever any infirmity is being found, then higher appellate authority is required to remove that infirmity and restore the proceeding

to that level where irregularity crept in. In this case, proceeding ought to have been restored to the ld.CIT (Appeals) because CIT (Appeals) has not adjudicated the issues on merit, rather dismissed the appeal for want of prosecution. But that would only enhance the multiplicity of litigation because CIT (Appeals) would have to call for a remand report from the AO. Accordingly, we deem it appropriate to set aside the issues to the file of AO for fresh adjudication.

4. In view of the above discussion, appeal of the assessee is allowed for statistical purposes.

Order pronounced on 05.02.2026.

Sd/-

(MANOJ KUMAR AGGARWAL)
ACCOUNTANT MEMBER

Sd/-

(RAJPAL YADAV)
VICE PRESIDENT

“Poonam”

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

1. अपीलार्थी/ The Appellant
2. प्रत्यर्थी/ The Respondent
3. आयकरआयुक्त/ CIT
4. विभागीय प्रतिनिधि, आयकर अपीलीय आधिकरण, चण्डीगढ़/ DR, ITAT, CHANDIGARH
5. गार्डफाईल/ Guard File

सहायक पंजीकार/ Assistant Registrar