

आयकर अपीलीय अधिकरण, रायपुर न्यायपीठ, रायपुर
IN THE INCOME TAX APPELLATE TRIBUNAL RAIPUR BENCH, RAIPUR
श्री पार्थ सारथी चौधरी, न्यायिक सदस्य एवं श्री अवधेश कुमार मिश्र, लेखा सदस्य के समक्ष
BEFORE SHRI PARTHA SARATHI CHAUDHURY, JM &
SHRI AVDHESH KUMAR MISHRA, AM
आयकर अपील सं. / ITA No: 719/RPR/2025
(निर्धारण वर्ष Assessment Year: 2017-18)

Income Tax officer-1, Rajnandgaon, Aaykar Bhawan, Raipur Naka, Near FCI Godown, Rajnandgaon, Chhattisgarh, 491441.	Vs	Gulf Enterprises, H No. 177, Ward No.6 Infront of Govt. Society, Vill. Accholi, Teh Dongargarh, Rajnandgaon, Chhattisgarh, 491445.
PAN: AAPFG2902G		
(अपीलार्थी/Appellant)	:	(प्रत्यर्थी / Respondent)
निर्धारिती की ओर से / Assessee by	:	None.
राजस्व की ओर से / Revenue by	:	Dr. Priyanka Patel, Sr. DR
सुनवाई की तारीख / Date of Hearing	:	05/03/2026
घोषणा की तारीख / Date of Pronouncement	:	06/03/2026

आदेश / ORDER

Per Avdhesh Kumar Mishra, AM:

This appeal for Assessment Year ('AY') 2017-18 filed by the Revenue is directed against the order dated 30.09.2025 of the Commissioner of Income Tax (Appeals), National Faceless Appeal Centre ('NFAC'), Delhi ['CIT(A)'] passed under section 250 of the Income Tax Act, 1961 ('Act').

2. The Revenue has taken following grounds of appeal: -

"1. Whether on the facts and in the circumstances of the case, the Ld. CIT(A) was justified in deleting the addition of Rs.87,01,506/- made by the

Assessing Officer under section 69A of the Income-tax Act, 1961 on account of unexplained investment in purchase of motor vehicles, without appreciating that the assessee had failed to file return of Income and had not discharged the onus of proving the source of Investment with supporting evidence during the assessment proceedings.

- 2. Whether on the facts and in the circumstance of the case, the Ld. CIT(A) was justified in deleting the addition merely on the basis of the assessee's unverified claim that the motor vehicles were purchased through finance arrangements from banks and non-banking financial institutions (NBFCs), without ensuring independent verification through the Assessing Officer.*
- 3. The order of the Ld.CIT(A) is erroneous both in Law and on facts.*
- 4. Any other ground that may be adduced at the time of hearing.”*

3. The relevant facts giving rise to this appeal are that the assessee has not filed any Income Tax Return ('ITR') of the relevant year though it has made investment of Rs.75,96,706/- for purchasing a motor vehicle and paid GST of Rs.11,04,800/- thereon. The Ld. Assessing Officer ('AO'), inferring the above mentioned investment in vehicle as unexplained which escaped assessment, re-opened the case of assessee under section 148 of the Act. The assessee did not ensure any compliance during the re-opened assessment proceedings; therefore, the Ld. AO taxed the investment made in vehicle along with GST paid thereon vide order dated 29.03.2022 passed under section 147 rws 144 of the Act. Aggrieved, the assessee filed appeal before the Ld. CIT(A), who allowed the appeal placing reliance on the additional evidence filed by the assessee which demonstrated that the said investment in vehicle had been financed by the Financer Institution. The assessee also filed the registration details to show that the said vehicle had been

hypothecated to the Financer as security. The Ld. CIT(A) forwarded the said additional evidences to the Ld. AO for submitting the remand; however, the Ld. AO did not file any remand report within the specified time limit of 30 days, provided by the Ld. CIT(A). Therefore, the Ld. CIT(A), based on the material available on the record, deleted the addition and decided the appeal in favour of the assessee.

4. Aggrieved with the impugned order, the Revenue is before us. Before us, the assessee was not represented by anyone. Therefore, we heard Dr. Priyanka Patel, Ld. Sr. DR, who argued the case vehemently. She submitted that the Ld. CIT(A) did not send any reminder to call the remand report. She therefore, in the interest of justice, contended that the case should be considered for remanding back to the file Ld. CIT(A).

5. We have heard the Ld. Sr. DR at length and have perused the material available on the record. We have taken note of the fact that the Ld. CIT(A) has decided the appeal after discussing the issue in detail with his reasoning for disagreeing with the assessment order. However, we find merit in the contention of the Ld. Sr. DR that the AO, in the interest of justice, should be provided an opportunity to submit the remand report before the Ld. CIT(A). Therefore, considering the facts of the case in entirety and in the interest of justice, we deem it fit to set aside the impugned order and remand the matter back to the file of the Ld. CIT(A) for deciding the appeal after giving one more opportunity to the Ld. AO to submit remand report. We order accordingly. The Ld. CIT(A) is in liberty to decide the appeal in accordance with the law after providing one more opportunity to the

Ld. AO and the assessee. Further, it is hereby clarified that the Ld. CIT(A) may decide the appeal even if no remand report is received from the Ld. AO after specified date. The appellant assessee, no doubt, shall also cooperate in remitted appellate proceedings.

6. In the result, this appeal of the Revenue is **allowed for statistical purposes as above.**

Order pronounced in the open court on 06/03/2026.

Sd/-
(PARTHA SARATHI CHAUDHURY)
न्यायिक सदस्य / JUDICIAL MEMBER

Sd/-
(AVDHESH KUMAR MISHRA)
लेखा सदस्य / ACCOUNTANT MEMBER

रायपुर / Raipur; दिनांक Dated 06/03/2026
HKS, PS

आदेशकी प्रतिलिपि अग्रेषित / Copy of the Order forwarded to :

1. अपीलार्थी/ The Appellant
2. प्रत्यर्थी/ The Respondent
3. The Pr. CIT, Raipur (C.G.)
4. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण,
रायपुर/ DR, ITAT, Raipur
5. गार्ड फाईल / Guard file.

//True copy//

आदेशानुसार/ BY ORDER,

(Private Secretary)
आयकर अपीलीय अधिकरण, रायपुर / ITAT, Raipur