

**IN THE INCOME TAX APPELLATE TRIBUNAL
“B” BENCH, AHMEDABAD**

**BEFORE SHRI SANJAY GARG, JUDICIAL MEMBER AND
SHRI NARENDRA PRASAD SINHA, ACCOUNTANT MEMBER**

**ITA No. 495/AHD/2026
Assessment Years: 2018-19**

Manjibhai Maganbhai Asodiya, Rohit Vas, Aritha, Patan, Gujarat - 382345 [PAN – BETPA1554B] (Appellant)	Vs.	Income Tax Officer, Ward 1, Patan, Gujarat - 384265 (Respondent)
Assessee by	Shri S V Agarwal & Shri Divya S Agarwal, AR's	
Revenue by	Shri R P Rastogi, CIT-DR	
Date of Hearing	07.04.2026	
Date of Pronouncement	21.04.2026	

ORDER

PER NARENDRA PRASAD SINHA, ACCOUNTANT MEMBER:

This appeal is filed by the assessee against the order dated 21.12.2025 passed by Addl/JCIT(Appeal), Ranchi [hereinafter referred to as 'Addl. CIT(A)'] for the Assessment Year (A.Y.) 2018-19 in the proceeding u/s. 154 r.w.s. 147 of the Income Tax Act.

2. The brief facts of the case are that the assessment in this case for A.Y. 2018-19 was completed u/s. 147 r.w.s. 144 of the Act on 23.03.2023 at total income of Rs.13,00,78,760/-. In the course of assessment, the AO had made addition of Rs.13,00,78,760/- in respect of cash/credit deposits in the bank account of the assessee, which was treated as unexplained.

In the tax computation, however, the tax was calculated on this addition at slab rate instead of tax rate at the rate of 60% u/s. 115BBE of the Act, resulting in short levy of tax. As this was a mistake apparent from record, the AO had passed an order u/s. 154 r.w.s. 147 of the Act on 14.11.2025, levying tax on the addition as made in the assessment order at the rate of 60% u/s. 115BBE of the Act.

3. Aggrieved with the order of the AO, the assessee had filed an appeal before the first appellate authority, which was decided by the learned CIT(A) vide the impugned order and the appeal of the assessee was dismissed.

4. Now the assessee is in second appeal before us. The following grounds have been taken in this appeal:

1. *Hon. ADDL/JCIT (A) Ranchi has erred in not deciding the appeal on merits against Order of A.O. u/s 154 of the Act dt 14/11/2025. In as much as, Hon ADDL/JCIT (A) Ranchi has not provided opportunity of hearing though first hearing fixed on 18/12/2025 was requested for adjournment by assessee, whereas it is stated by Hon. ADDL/JCIT (A) Ranchi that no adjournment was sought for.*
2. *Hon ADDL/JCIT (A) Ranchi has erred in stating that as per Section 249(4)(b) in case where return is not filed, assessee was required to pay amount equal to advance tax payable by him for admission of appeal. In as much as, assessee did not have taxable income and hence return was not filed. Section 249(4)(b) provides though return is not filed by assessee if there is tax payable amount equal to advance tax has to be paid for admission of appeal. This is not the case in case of assessee.*
3. *Hon ADDL/JCIT (A) Ranchi has erred in confirming the Order u/s 154 passed by A.O who has also not considered the reply of the assessee to Notice u/s 154 of the Act dt 30/09/2024 was to be replied within 10 days ie. by 10/10/2024 and same was e-replied on 05/10/2024. Thus at both the lower level assessee is not provided opportunity of hearing*

4 *The Order of A.O u/s 154 dt.14/11/2025 and Order of Hon. ADDL/JCIT (A) Ranchi dt.21/12/2025 do not survive, since the appeal of assessee against Order of A.O. u/s 147 r.w.s. 144 has been set aside by Hon. CIT(A), NFAC by order dt. 12/02/2026.*

5. Shri S V Agarwal the Ld. AR of the assessee submitted in the course of hearing that the assessee had filed an appeal against the assessment order dated 28.03.2023 passed u/s. 147 r.w.s. 144 of the Act, which was decided by the NFAC Delhi, vide order dated 12.02.2026 and the matter was set aside to the file of the AO to re-examine the matter as the assessment was completed *ex-parte* u/s. 144 of the Act. He submitted that in view of this fact, the subsequent order u/s. 154 r.w.s. 144 of the Act passed by the AO on 14.11.2025 had become infructuous and the present appeal is now not maintainable.

6. Per Contra, Shri R P Rastogi, the Ld. CIT-DR submitted that since the order u/s. 154 dated 14.11.2025 now does not survive, the present appeal may kindly be disposed of suitably.

7. We have considered the rival submissions. The assessee has brought on record a copy of the order of the NFAC dated 12.02.2026 instituted against the assessment order u/s. 147 r.w.s. 144 of the Act, dated 23.03.2023. It is found therefrom that the Ld. CIT(A) had set aside the matter to the file of the Assessing Officer to re-examine the source of cash/credit deposits in the bank accounts, as the original assessment was completed u/s. 144 of the Act. As a result of the order of the Ld. CIT(A), the original assessment order now does not survive. Under the circumstances, the rectification order u/s. 154 r.w.s. 147 of the Act dated 14.11.2025 also does not survive and the present appeal filed by the

assessee against this order has become infructuous. Therefore, the appeal filed by the assessee is dismissed.

8. In the result, the appeal of the assessee is dismissed.

Order pronounced in the Court on 21/04/2026 at Ahmedabad.

Sd/-
(SAJAY GARG)
Judicial Member

Sd/-
(NARENDRA PRASAD SINHA)
Accountant Member

Dated – 21st April, 2026

Neelesh, Sr. PS

(True Copy)

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

1. अपीलार्थी / The Appellant
2. प्रत्यर्थी / The Respondent.
3. संबंधित आयकर आयुक्त / Concerned CIT
4. आयकर आयुक्त (अपील) / The CIT(A)
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण / DR, ITAT,
6. गार्ड फाईल / Guard file.

आदेशानुसार/BY ORDER,
उप/सहायक पंजीकार (Dy./Asstt.Registrar)
आयकर अपीलीय अधिकरण, अहमदाबाद / ITAT, Ahmedabad