

IN THE INCOME TAX APPELLATE TRIBUNAL
“SMC-A” BENCH : BANGALORE

BEFORE SHRI GEORGE GEORGE K., JUDICIAL MEMBER

ITA No.1680/B/2016
Assessment year : 2008-09

Mr. Abdul Azeez, 192/A, M. V. Nagar, Left 4 th Cross, Kappagal Road, Bellary. PAN:ABKPA2333D	Vs.	The Asst. Commissioner of Income Tax, Circle 1 Fort Bellary, Bellary.
APPELLANT		RESPONDENT

Appellant by	:	None
Respondent by	:	Shri. Saravanan B, Addl. CIT

Date of hearing	:	28.11.2016
Date of Pronouncement	:	28.11.2016

ORDER

Per George George K., Judicial Member

This appeal by the assessee is directed against the order dated 19.08.2016 of the CIT(Appeals), Gulbarga, relating to assessment year 2008-09.

2. At the time of hearing of the appeal today i.e., 28.11.2016, none appeared on behalf of the assessee, though notice-cum-acknowledgement

of the appeal intimating the hearing for this date has been communicated to the assessee. However, we find that there is neither any appearance nor any communication from the assessee's side.

3. Considering the totality of the facts, we are, thus, left with no option but to infer that that the assessee is not interested in prosecuting the appeal. Therefore, following the ratio of decision of the Delhi Bench of the Tribunal in the case of Multiplan (India) Ltd., 38 ITD 320 (Del) and considering the ratio of the Hon'ble Supreme Court and various Hon'ble High Courts in such a situation; we treat the appeal as unadmitted and dismiss the appeal *in limine* for want of prosecution of the case. The assessee is, however, at liberty to move the Tribunal showing out sufficient reason(s) and/or reasonable cause for failure to prosecute the case on his/her/its behalf.

4. In the result, the appeal is dismissed *in limine*.

Pronounced in the open court on 28.11.2016.

Sd/-
(GEORGE GEORGE K.)
Judicial Member

Bangalore,
Dated: 28.11.2016
/NS/

Copy to:

1. Appellant
2. Respondent
3. CIT
4. CIT(A)
5. DR, ITAT, Bangalore.
6. Guard file

By order

Assistant Registrar
ITAT, Bangalore.